



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

February 22, 2023

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W., Suite 1110
Washington, DC 20024

Email: oce@mail.house.gov

RE: Rep. Katie Porter (California)

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Office of Congressional Ethics (OCE) immediately investigate whether Representative Katie Porter abused official resources for political purposes.

In 2022, Rep. Porter's congressional office used taxpayer funds to run ads that are overtly political. These ads contained identical messaging or images to ads that her campaign ran and were often times completely indistinguishable from her campaign ads. A few examples are below and attached:

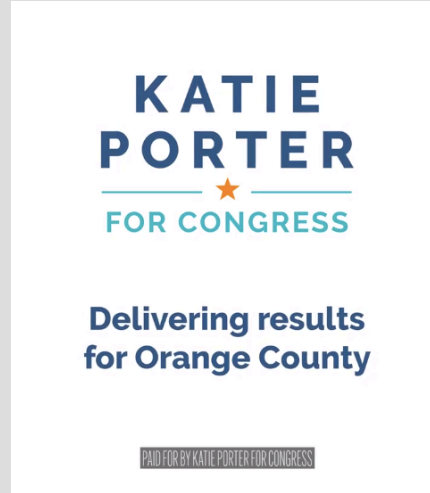
Congressional Ads



Ran from March 18 to April 7, 2022.

Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

Campaign Ads



Ran From March 23 To May 6, 2022.

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/17/23



Ran from Aug. 9 to Sept. 8, 2022.

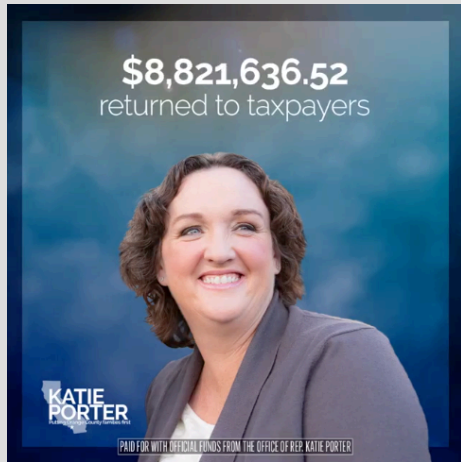
Office of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23



Ran between Sept. 14 to Oct. 19, 2022.

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/15/23

Congressional Ads



Ran from March 18 to April 7, 2022.

Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

PROGRAMMATIC VIDEO & YOUTUBE



Clerk of House of Reps., available at:
<https://frankingfiles.house.gov/27-45731-1.pdf>

Campaign Ads



Katie Porter

Sponsored • Paid for by Katie Porter For Congress
 ID: 499327115013866

...

Orange County sent me to Congress to deliver results and put our community first, and that's what I've done.


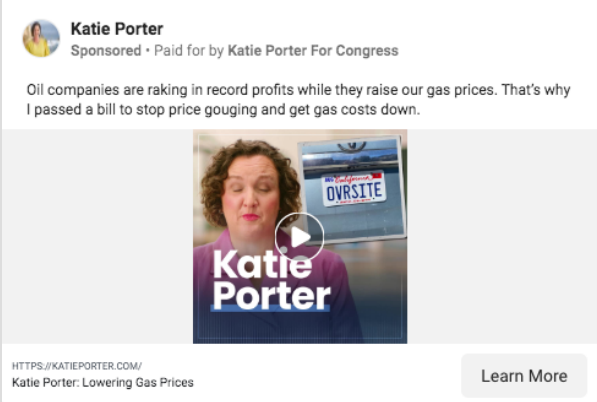


KATIEPORTER.COM
 Katie Porter: Effective Leadership

Learn More

Ran from March 23 to May 6, 2022.

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/7/23

Congressional Ads	Campaign Ads
 <p>An image is from a mailer sent by Porter’s congressional office.</p> <p>Clerk of House of Reps, https://frankingfiles.house.gov/27-45731-4.pdf Accessed 2/17/23</p>	 <p>Ran from Sept. 30 to Oct. 19, 2022.</p> <p>Katie Porter For Congress, Meta Ad Library, Accessed 2/17/23</p>

During the time period the ads were being disseminated, Porter’s campaign and congressional office simultaneously paid the same vendor, Wavelength Strategy, for advertising and printing services. Wavelength Strategy is a digital ad vendor for “Democratic campaigns.”¹ From June to August 2022, Porter’s congressional office paid over \$130,500 to Wavelength Strategy.² From February 2022 to November 2022, Porter’s campaign paid over \$1.6 million to Wavelength Strategy.³

Federal law states that “appropriations shall be applied only to the objects for which the appropriations were made”⁴ The House ethics rules reinforce this law and prohibit Members from using taxpayer funded resources for campaign or political purposes.⁵ One official resource

¹ Wavelength Strategy, “Home,” <https://wavelengthstrategy.com/> (accessed Feb. 16, 2023).

² U.S. House of Reps., *Statement of Disbursement of The House from July 1, 2022 to September 30, 2022, Part 3 of 3*, House Document No. 117-146 (Oct. 11, 2022), available at: https://www.house.gov/sites/default/files/2022-11/2022q3_vol3.pdf.

³ Katie Porter For Congress, [Disbursements](#), Federal Election Commission, accessed Feb. 15, 2023.

⁴ 31 U.S.C. sec. 1301(a).

⁵ U.S. House of Reps Ethics Committee, *House Ethics Manual*, at 123 (2022 Print) available at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf> (official House resources “may not be used for campaign or political purposes”); *see also id.* at 124 (“Members and staff should be aware that the general prohibition against campaign or political use of official resources applies not only to any Member campaign for re-election, but rather to any campaign or political undertaking. Thus the prohibition applies to, for example, campaigns for the Presidency, the U.S. Senate, or a state or local office, and it applies to such campaigns whether the Member is a candidate or is merely seeking to support or assist (or oppose) a candidate in such a campaign.”).

is “official communications,” which House rules again specifically reiterate cannot be used for any campaign or political purpose.⁶ Any communication paid for by taxpayer funds “may only be used for official Congressional business” and cannot be used for any political purpose.⁷ The Communication Standards Manual also sets forth several examples of content that is not allowed in official communications, including: (1) no campaign content or electioneering; (2) no content developed using campaign resources; (3) no grassroots lobbying; and (4) no content laudatory of a Member on a personal or political basis.⁸ Finally, no unsolicited mass communications, including digital advertisements regardless of cost, may be distributed within 90 days before a primary or general election.⁹

In the present case several facts demonstrate Rep. Porter spent taxpayer dollars on ads that contain political messaging. On their face, the messages themselves contained short political phrases such as “Holding Oil Companies” or “Delivering Results.” There can be no doubt that these were political messages because her campaign ran substantially similar ads with the same exact messaging. In addition to the same message, the same image appears in both her congressional ad and campaign ad.

Not only do the ads themselves appear political, in multiple cases Porter actually used taxpayer funds to disseminate these political messages until she was prohibited by the rules from doing so, and then her campaign took over and disseminated the same messages. Once Porter characterized an ad as a political communication (by paying to have it delivered in her campaign), she can not then characterize it as an official communication, and vice versa.¹⁰

Additionally, Rep. Porter used taxpayer funds to pay a vendor for advertising at the same time her campaign was paying the exact same vendor for the same exact services.¹¹ This same

⁶ *House Ethics Manual*, at 125 (expenditures for communications made by a Member from his or her Members’ Representational Allowance (MRA) must be for an “official and representational” purpose and not campaign or political expenses); U.S. House of Reps Commission on Congressional Mailing Standards, *The House of Reps Communications Standards Manual*, at 2 (Effective Jan. 7, 2020), available at: https://cha.house.gov/sites/evo-subsites/republicans-cha.house.gov/files/documents/Communications%Standards Manual_12-19.pdf.

⁷ *The House of Reps Communications Standards Manual*, at 2.

⁸ *Id.*

⁹ *House Ethics Manual*, at 129-30; *The House of Reps Communications Standards Manual*, at 5.

¹⁰ See *House Ethics Manual*, at 178-79. Where an activity (such as a town hall) could either be “official” or “political,” it can only be characterized as one and not both. *Id.* “The Standards Committee has stated: ‘[O]nce the Member makes his determination [on whether an activity is to be official or political], he is bound by it. A single event cannot, for purposes of the House rules, be treated as political and official.’” *Id.*

¹¹ See U.S. House of Rep. Comm. on Ethics, Memorandum from the Comm. to All Members, *Campaign Activity Guidance*, Aug. 15, 2014, at 3, available at: <https://ethics.house.gov/sites/ethics.house.gov/files/20140815 Pink Sheet.pdf> (“Although not required, a ‘best practice’ is to use different vendors for campaign and official services so that staff can easily determine whether a particular vendor or service is considered an official resource or a campaign resource.”)

vendor ran ads for both Porter's congressional office and her campaign that were substantially similar, had the same messaging, and in at least one instance had the same exact image. Her use of a single vendor to run substantially similar ads indicates Porter was either using taxpayer funds to disseminate campaign materials or using campaign funds to distribute official materials—neither is allowed.

The facts of this case demonstrate Rep. Porter used taxpayer funds to pay for political ads. The laws at issue in this case are extremely important because not only do they protect taxpayer funds from abuse, but they address the public perception that incumbents are simply using their office to run for reelection.¹² The reason for that perception is quite evident in Rep. Porter's actions. Moreover, her use of official resources does not reflect credibly on the House.¹³

The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent in the office and that they comply with the House's ethical standards. Therefore, we urge the Board to immediately investigate whether Representative Porter used official resources for campaign purposes in violation of federal law and the House ethics rules.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/Kendra Arnold

Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

cc:
House Commission on Communication Standards
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

¹² *House Ethics Manual*, at 123 (stating the laws and rules prohibiting use of official resources for political purposes reflect "the basic principle that government funds should not be spent to help incumbents gain reelection").

¹³ Members are required to "conduct themselves at all times in a manner that reflects creditably on the House." *House Ethics Manual*, at 1, 12 (citing House Rule 23, clause 1).

KATIE PORTER ADS

Congressional Office

Ran Between August 9 And September 8, 2022.



Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

Campaign

Ran Between September 14 And October 19, 2022.



Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/15/23

Ran Between March 18 And April 7, 2022.



Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

Ran Between March 23 And May 6, 2022.

**KATIE
PORTER**
★
FOR CONGRESS

**Delivering results
for Orange County**

PAID FOR BY KATIE PORTER FOR CONGRESS

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/17/23

Congressional Office

A Mailer Sent Out By Porter's Office.



[Clerk Of The U.S. House Of Representatives](#), Accessed 2/17/23

Campaign

Ran Between September 30 And October 19, 2022.



Katie Porter

Sponsored • Paid for by Katie Porter For Congress

Oil companies are raking in record profits while they raise our gas prices. That's why I passed a bill to stop price gouging and get gas costs down.



[HTTPS://KATIEPORTER.COM/](https://katieporter.com/)
Katie Porter: Lowering Gas Prices

[Learn More](#)

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/17/23

Ran Between July 8 And August 8, 2022.



Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

Ran Between September 30 And October 19, 2022.



Katie Porter

Sponsored • Paid for by Katie Porter For Congress
ID: 509460303857884

Oil companies are raking in record profits while they raise our gas prices. That's why I passed a bill to stop price gouging and get gas costs down.



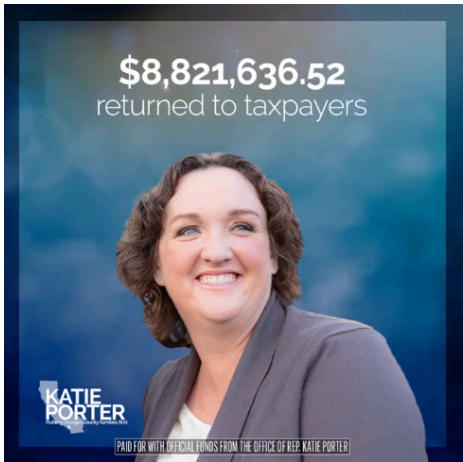
[HTTPS://KATIEPORTER.COM/](https://katieporter.com/)
Katie Porter: Lowering Gas Prices

[Learn More](#)

Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/17/23

Congressional Office

Ran From March 18 And April 17, 2022.



Office Of Rep. Katie Porter, [Meta Ad Library](#), Accessed 2/17/23

Campaign

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Katie Porter For Congress, [Meta Ad Library](#), Accessed 2/7/23