

Procedures for Obtaining a Franking Staff Advisory Opinion

I. SUBMITTING A REQUEST

- A. Prepare in as close to possible final format a draft of the material to be submitted for review. Draft should include, as applicable:
1. Complete and formatted text in actual size and color(s);
 2. All photographs (official head shot of member of congress [MC] does not require a caption; for all other photos in which the MC appears, the official business being conducted by the MC as depicted in the photo must be explained in the accompany text or corresponding caption/cut line);
 3. All illustrations, charts, and/or other graphics;
 4. If a newsletter, news release, etc., the banner head;
 5. Mailing panel, including the MC's frank and the applicable USPS rate marking; and
 6. If a mass mailing, the mass mail statement (This mailing was prepared, published, and mailed at taxpayer expense.) ; and
 7. Complete and formatted copy of all enclosures, attachments, etc.
- B. Submit the draft accompanied by the following forms to the Franking Commission
1. Advisory Opinion Request Form;
 2. Franking Certification Form (Note: This form must be signed by the MC's staff Point of Contact [POC]); and

II. REVIEW OF AN ADVISORY OPINION REQUEST

- A. The requesting office should submit their request to their respective side of the bipartisan commission. Republican staff can call 202-226-0647. Democratic staff can call 202-225-9337.
- B. Upon receipt of the request, the Commission staff creates a record for the request and reviews the material for compliance with applicable statute, rule, and precedent. After recording their comments, the staff then forwards the material to the Commission staff on the other side of the aisle.
- C. After each side has reviewed the material the Commission staff will contact the POC to advise whether or not the material has been deemed compliant with franking requirements.

III. NOTICE OF APPROVAL OR REVISIONS

- A. If deemed **compliant**, the Commission staff:
1. Provides notice to the POC of the "preliminary authorization," i.e., authorization to print and/or distribute/disseminate the communication. (**Note:** *Notice of the Preliminary Authorization to the POC is by phone call or e-mail; the requesting office should not*

*print or distribute the material under review **prior to having received notice of the preliminary authorization.**)*

2. The Preliminary Authorization will outline the process of submitting four original copies to obtain the final written advisory opinion.

B. If deemed non-compliant:

1. The Commission staff will notify the POC of the revisions required to bring the material into full compliance with the applicable statutes, rules, and precedents.
2. The Requesting office submits a revised draft to the staff of the Commission.
3. Each side of the bipartisan commission will once again review the material for compliance.
4. After the review, staff contacts the POC to advise whether or not the material has been deemed compliant.
 - a. If the revised material is deemed **compliant**, the Preliminary Authorization is issued as outlined in Section III, A.
 - b. If the revised material is deemed **not compliant**, step III, B is repeated until the material is revised to the point that it can be deemed frankable.

IV. OBTAINING THE WRITTEN ADVISORY OPINION

- A. When final copy of the material becomes available, the requesting office submits **FOUR ORIGINAL COPIES** to the Franking Commission.
- B. Upon receipt, Commission staff will generate and prepare for signature four copies of the written Advisory Opinion deeming the material frankable.
- C. Upon signature by representatives of the majority and minority staff, a copy of the Advisory Opinion:
 1. Will be sent to the requesting office;
 2. Retained in the file maintained by the minority office of the Commission;
 3. Retained in the permanent file of the Commission maintained by the majority office of the Commission; and
 4. Forwarded to the Legislative Resource Center to be made available for public disclosure purposes.

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