

# United States Senate

SELECT COMMITTEE ON ETHICS

May 1, 2024

## Guidance on Campaign Activity

Dear Colleague:

As we are in the middle of an election year, the Select Committee on Ethics (the Committee) is issuing this guidance to remind Members, officers, and employees of the key rules governing their participation in campaign activity.

### **No use of official resources**

Federal law generally prohibits campaign activity in Senate facilities, on Senate time, and using Senate resources. Prohibited campaign activity in Senate buildings includes, for example, soliciting campaign contributions; holding meetings with campaign staff; making calls or sending emails for a campaign; using a social media account (*e.g.*, Facebook, Twitter/X, Instagram, etc.) to post about or link to campaign information; or creating a work product (*e.g.*, speech, memorandum, opposition research, etc.) for the campaign. The prohibition on participating in campaign activity in official Senate space applies even if the Senate Member or Senate employee is using a personal device or personal account.

Federal law and Senate Resolution 431, 100 Cong., 2<sup>nd</sup> Sess. (1988) expressly prohibits the use of Senate floor footage for a campaign purpose. The Committee has provided an additional *Dear Colleague* letter addressing the use of video footage and photographs of official proceedings or events for campaign purposes.

### **Handling incidental campaign contacts**

The Committee understands that there may be some instances where there are unavoidable contacts between the Senator's office and campaign; however, these contacts should be limited in nature and scope. For example, the Senate scheduler may communicate with the campaign scheduler to coordinate the Member's official schedule with the campaign but may not schedule campaign events (*e.g.*, respond to campaign scheduling requests or purchase airline tickets for purely campaign travel); the receptionist in the Senate office may redirect callers with campaign inquiries by providing the contact information for the campaign; and the communications staff may respond to a few unsolicited press questions about the Member's campaign in an otherwise official interview, but may not conduct an entire campaign interview in Senate space.

### **Handling official communications with candidates**

The Committee is also aware that even though it is an election year, there may be permissible, official reasons for Members and Senate employees, in their official capacity, to interact with candidates or discuss issues that arise out of a campaign. Members and Senate employees should be mindful that if the communications are during Senate time, in Senate space or using Senate resources, their primary purpose must be to carry out official representational and legislative duties and should not involve campaign activities such as canvassing votes, organizing political fundraisers, and formulating campaign strategy. Additionally, solicitation of campaign contributions in any federal building is prohibited under federal criminal law.

### **Restrictions on Senate employee participation in campaigns**

Senate employees who are interested in volunteering or working for a political campaign (their Member's or any other campaign) must conduct all campaign activities on their own time, outside of Senate space, and without using any Senate resources. Senate employees should also be aware that they may not make a monetary contribution to their supervising Member's campaign committee and that they may be subject to outside earned income limits on the pay they receive for their work on a campaign. Unless appointed as a Political Fund Designee (PFD), Senate employees may not handle any federal campaign funds, including soliciting, receiving, and distributing them. This general prohibition applies to all federal campaigns as well as federal political action committees and national party committees.

### **Attendance at events held during the national party conventions**

Attendance at a national political convention will generally be considered campaign activity. Accordingly, Members and Senate employees must attend a national political convention on his or her own time, regardless of the nature of their participation at the convention (i.e., delegate, platform committee). The title "United States Senator" is personal to a Member and may be used in connection with non-Senate activity, including campaign activity. A Senate employee's official title, however, is not personal and may not be used in connection with any non-Senate activity, including, but not limited to, campaign activity.

Members and Senate employees should also be mindful of the application of Senate Rule 35 (the Gifts Rule) to the upcoming national political conventions. This year, the Republican National Convention will be held in Milwaukee, Wisconsin from July 15-18, 2024 and the Democratic National Convention will be held in Chicago, Illinois from August 19-24, 2024.

***Events honoring Members.*** A Member may *not* participate in an event honoring that Member if it is paid for directly by a lobbyist or a private entity that retains or employs a lobbyist. This includes events where a specific Member or Members are identified by name or title, or events honoring a group composed solely of Members. This does not include an event where a Member is a featured speaker. This prohibition applies during the dates of the national party conventions, from the entire calendar date on which the convention convenes through the entire calendar date on which it adjourns. See "Events Honoring Members at the National Party Conventions," issued February 4, 2008.

***Attendance at other events.*** Members and Senate employees may ***not*** accept gifts of any value (including free attendance at an event) from registered lobbyists, agents of a foreign principal, or private entities that retain or employ them, ***except*** as permitted by one of the specific exceptions to the Gifts Rule.

The exceptions to the Gifts Rule that most commonly apply to events held in connection with the conventions are as follows:

1. The Gifts Rule permits ***national party and convention committee, state and local party organizations, campaign committees, and the host city's official host committee*** to provide transportation, lodging, refreshments, entertainment, and other benefits in connection with attendance at the convention. The Gifts Rule also allows the acceptance of local transportation, food, refreshments, or entertainment in connection with any fundraising event sponsored by a political organization.
2. The Gifts Rule permits acceptance of a gift paid for by any unit of ***federal, state, or local government***, including items paid for by the cities of Milwaukee or Chicago.
3. The Gifts Rule permits acceptance of an invitation to a ***reception*** that includes food or refreshments of nominal value offered other than as part of a meal.
4. The Gifts Rule permits free attendance at a ***charity event*** at the invitation of the event sponsor, including the acceptance of local transportation, food, refreshments, or entertainment that are a part of the charity event.
5. The Gifts Rule permits free attendance at a ***widely-attended event*** at the invitation of the event sponsor. This large-group exception applies to events associated with attendance at the conventions where at least 25 non-congressional attendees are invited and where the event is not substantially recreational in nature. Senate invitees may attend and accept local transportation, food, refreshments, or entertainment that are integral to the event.
6. The Gifts Rule permits acceptance of a ***t-shirt or baseball cap*** of reasonable value as well as ***non-food items that have a value of \$10 or less in the aggregate.***

Unless specifically permitted by the Gifts Rule, as discussed above, all other gifts, other than from a relative or from a personal friend, must comply with the Gifts Rule's limit of less than \$50 per gift and less than \$100 annually from a single source, as well as the restrictions on gifts from registered lobbyists, agents of a foreign principal, or private entities that retain or employ them.

This guidance highlights general issues that may arise in connection with campaign activities but is not intended to address all issues that Members and Senate employees may encounter. Please do not hesitate to contact the Committee if you have additional questions or would like to request staff training specific to campaign activity.



Christopher A. Coons  
Chairman

Sincerely,



James Lankford  
Vice Chairman