

# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CAMPAIGN ACTIVITY TRAINING



U.S. SENATE SELECT  
COMMITTEE ON ETHICS

### SENATE ETHICS AND CAMPAIGN ACTIVITY

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U.S. SENATE SELECT  
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#### AGENDA

- Rules and standards governing outside campaign activity
  - Paid and volunteer campaign work
  - 18 U.S.C. § 603 – Contributions to employing Senator
  - Senate Rule 41 – Participating in fundraising for federal races
- Rules and standards governing the Senate office
  - Criminal standards regarding campaign contributions
  - Handling campaign related constituent correspondence
  - Limited "overlap" areas
  - 60-day moratoria periods

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#### INTRODUCTION – SEPARATION OF CAMPAIGN AND OFFICIAL

- Guiding principle – Senate resources may not be used for campaign activity (**31 U.S.C. § 1301**)
- Senate resources include:
  - Senate staff time
  - Senate title (e.g., "Legislative Assistant, Chairman of X Subcommittee")
  - Senate space (e.g., Russell rotunda, Dirksen cafeteria)
  - Senate equipment (e.g., Senate mobile device)
  - Senate work product

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### OUTSIDE CAMPAIGN ACTIVITY – OFFICIAL RESOURCES PROHIBITED

- Senate employees may perform paid or unpaid campaign work if:
  - Truly voluntary and not a condition of Senate employment;
  - Approved by the supervising Senator;
  - Done on their own time; and
  - Not using Senate resources
- Campaign income counts toward the outside earned income limit
- Senate pay must be for Senate work – If you split your time with the campaign, you must also split your salary

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### CAMPAIGN CONTRIBUTIONS

- Federal law prohibits making a contribution to your employing Senator (**18 U.S.C. § 603**)
- The prohibition includes:
  - An "outlay," other than for personal travel expenses
  - Contributions made by your relatives from a joint account or jointly owned asset (e.g., your spouse writing a check from a jointly owned bank account)
- The prohibition does not include:
  - Volunteering for the campaign
  - Contributing to a multi-candidate committee or PAC (e.g., DSCC or NRSC), **but** you cannot specifically earmark any contribution for your employing Senator

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### CAMPAIGN FUNDS

- Officers and most employees cannot handle (receive, solicit, be the custodian of, or distribute) any federal campaign funds (**Senate Rule 41**)
  - State and local campaign funds not prohibited by Senate Rule
  - **But** watch your social media posts
- Officers and employees may assist with and attend federal campaign fundraisers, provided their role does not involve handling campaign funds
  - Hosting a fundraiser is considered handling campaign funds and is prohibited

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### EXCEPTION FOR PFDs

- Each Senator may designate up to 3 employees on his/her personal office staff as "Political Fund Designees" (PFDs). PFD designations are publicly disclosed and PFDs must file Financial Disclosure Reports.
- PFDs may handle campaign funds from:
  - Campaign committee of employing Senator;
  - Campaign committee established and controlled by a Senator or group of Senators (e.g., DSCC and NRSC); or
  - State or local committee of a national party

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### CRIMINAL RESTRICTIONS

- No soliciting or receiving federal, state or local campaign contributions in a federal building  
(18 U.S.C. § 607)
  - But safe harbor provision for unsolicited contributions forwarded to campaign within 7 days of receipt
- No soliciting or receiving contributions connected to official action  
(18 U.S.C. § 201)

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### MISDIRECTED COMMUNICATIONS

- For misdirected campaign calls, letters, or emails, you may either:
  - Forward the inquiry to the campaign office for action;
  - or**
  - Provide the campaign phone number and address to the individual seeking information; **but**
  - You cannot provide link to campaign website (**Internet Usage Policy**)

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## CAMPAIGN ACTIVITY TRAINING



### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### OFFICIAL AND CAMPAIGN TRAVEL

- May only wear one “hat” at a time—all events/appearances must be either campaign or official, not both
- Appropriate side must pay all expenses
- Mixed purpose travel is permissible, but you must prorate all expenses to accurately reflect the purpose of the trip
  - Contact the Rules Committee for questions about reimbursable travel expenses
  - Contact the FEC for questions about expenditures of campaign funds

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### PERMISSIBLE “OVERLAP”

- Official and campaign schedulers may coordinate
  - Official scheduler cannot schedule campaign activities (e.g., RSVP to campaign events, book campaign travel)
  - Official scheduler may maintain a master calendar
- Official communications staff may answer a few incidental campaign questions raised in an official briefing or interview
- Senate office may provide copies of public material to the campaign

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### U.S. SENATE SELECT COMMITTEE ON ETHICS

#### MORATORIA

- For 60 days before a primary or general election in which your Senator is a candidate, the following activities are prohibited:
  - Sending mass mailings
  - Using official funds for certain travel expenses
  - Using Senate television or recording studios
  - Using official funds to maintain a mobile office
  - Sending unsolicited mass email
  - Certain use of official social media and internet
- No moratorium for primary election if uncontested and no legal possibility for a write-in candidate

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# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CAMPAIGN ACTIVITY TRAINING



**U.S. SENATE SELECT  
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CONTACT THE COMMITTEE

**If you have any questions,  
please contact the Committee**

**(202) 224-2981 (main)      (202) 224-7416 (fax)**

**mailbox\_office@ethics.senate.gov (email)**

*Committee guidance is confidential*

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