

U.S. SENATE SELECT COMMITTEE ON ETHICS CAMPAIGN ACTIVITY TRAINING



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CAMPAIGN ACTIVITY



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CAMPAIGN ACTIVITY – BASIC PRINCIPLES

- Senate resources may not be used for campaign activity (**31 U.S.C. § 1301**)
- Senate resources include:
 - Senate space (e.g., Dirksen cafeteria)
 - Senate equipment (e.g., Senate mobile device)
 - Senate staff time
 - Senate title (e.g., “Legislative Assistant, Senator X”)
 - Senate work product



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RESTRICTIONS ON SENATE STAFF – CAMPAIGN WORK

- Officers and employees may perform paid or unpaid campaign work as follows:
 - Must be voluntary, not a condition of your Senate employment
 - Must obtain approval of your supervising Senator
 - Must be done on your own time
 - No using any official Senate resources
 - Senate may not subsidize campaign by keeping you on payroll
- Campaign income counts toward the outside earned income limit

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RESTRICTIONS ON SENATE STAFF – 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), even though some of the proceeds may eventually go to your employing Senator
 - But you *may not* specifically earmark any contribution for your employing Senator

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RESTRICTIONS ON SENATE STAFF – HANDLING CAMPAIGN FUNDS

- Officers and most employees *may not handle* (solicit, receive, be the custodian of, or distribute) *any federal campaign funds* (**Senate Rule 41**)
 - Unique to the Senate
- Officers and employees *may*, however, assist with and attend federal campaign fundraisers, provided their role does not involve handling campaign funds
 - Hosting a fundraiser is deemed to involve handling campaign funds and is therefore prohibited
- This prohibition does not apply to state and local campaign funds

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RESTRICTIONS ON SENATE STAFF – EXCEPTION FOR PFDs

- Each Senator may designate up to 3 Political Fund Designees (PFDs) on his or her personal office staff
 - PFDs must have a salary of at least \$10,000
 - At least 1 PFD must be in the DC office
 - PFDs must file certain Financial Disclosure Reports, regardless of salary
- With the permission of their supervising Senator, PFDs *may* handle campaign funds from the following:
 - Campaign committee of employing Senator
 - Campaign committee established and controlled by a Senator or group of Senators (e.g., DSCC and NRSC)
 - State or local committee of a national party

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RESTRICTIONS ON THE SENATE OFFICE – MISDIRECTED MATERIALS

- **Contributions:** No soliciting or receiving federal, state or local campaign contributions in a federal building (**18 U.S.C. § 607**)
 - 7-day safe harbor for unsolicited contributions
 - **Never** accept a contribution connected to official action (**18 U.S.C. § 201**)
- **Correspondence:** 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
 - May not provide link to campaign website (**Internet Usage Policy**)

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RESTRICTIONS ON THE SENATE OFFICE – LIMITED OVERLAP

- The following types of limited overlap between the Senate office and the campaign are permissible:
 - Official and campaign schedulers may coordinate
 - Official scheduler may not schedule campaign activities (e.g., RSVP to campaign events, book campaign travel)
 - Official communications staff may answer a few incidental campaign questions raised in an official briefing or interview
 - Senate office may not act as the campaign press operation
 - Senate office may provide a copy of public material to the campaign
 - Campaign may not reissue materials prepared by the Senate office

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RESTRICTIONS ON THE SENATE OFFICE – EVENTS

- Never wear both "hats" at the same time
- Mixed purpose travel is permissible, but if travel involves both campaign and official events, you must pro rate 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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RESTRICTIONS ON THE SENATE OFFICE – MORATORIA

- 60 days prior to a primary or general election 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 it is uncontested and there is *no legal possibility* for a write-in candidate
- Contact Rules Committee for additional guidance



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CONTACT THE COMMITTEE

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

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mailbox_office@ethics.senate.gov (email)

Committee guidance is confidential
