

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



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SENATE ETHICS AND CAMPAIGN ACTIVITY



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AGENDA

- Basic Principles and Rules
 - Use of Senate resources
 - Senate employees and campaign work
 - Campaign contributions
 - Campaign communications
 - Staff overlap
 - Moratoria
- Practical Exercises

Examples provided are for training purposes only and are not a substitute for Committee guidance on a specific issue



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USE OF SENATE RESOURCES

- 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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SENATE EMPLOYEES AND CAMPAIGN WORK

- 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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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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CAMPAIGN FUNDS

- Officers and most employees cannot handle (solicit, receive, 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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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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CAMPAIGN CONTRIBUTIONS

- 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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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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OFFICIAL AND CAMPAIGN TRAVEL

- Before travel, determine if the trip is official or campaign. Appropriate side must pay all travel 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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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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MORATORIA

- For 60 days before a primary (if your Senator is running) or general election (always), 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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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
