



# U.S. SENATE SELECT COMMITTEE ON ETHICS

## Campaign Activity

Quick Reference

### Frequent Campaign Issues

**Use of Official Resources:** Senate resources may only be used for official purposes. *See* 31 U.S.C. § 1301(a). No official resources (*e.g.*, Senate space, equipment, staff time) may be used to conduct campaign activities. In addition, several criminal statutes impose restrictions on campaign activities by Members, officers, and staff:

- **18 U.S.C. § 602:** Prohibits knowingly soliciting federal campaign contributions from any other federal officer or employee.
- **18 U.S.C. § 603:** Prohibits Senate employees from making campaign contributions to their employing Senator's campaign, including by purchasing tickets to a campaign fundraiser or advancing the campaign any funds (other than outlays by a campaign volunteer or employee for their own personal travel expenses incurred on behalf of the campaign).
- **18 U.S.C. § 607:** Prohibits soliciting or receiving campaign contributions in any federal building (*for guidance on handling misdirected campaign contributions, see reverse*).

The following *de minimis* overlap between a Senate office and the campaign is permissible:

- For scheduling purposes only, a Senator's official scheduler may coordinate independently-established schedules with the campaign scheduler and may maintain an integrated schedule that reflects both the Senator's official and campaign activities. This does not, however, permit a Senator's official scheduler to schedule or otherwise arrange campaign activities.
- A Senator's communications staff may respond to a few campaign-related questions that are merely incidental to an interview focused on the Senator's official duties. However, a Senator's office must not function as the campaign press office or otherwise engage in campaign activity. Campaign-related interviews may not be scheduled, arranged, or conducted using any official resources, including official staff time.
- A Senator's office may provide the campaign office with one copy of any publicly available material to the same extent it would provide a copy to any constituent.

**Campaign Work by Senate Staff:** Subject to certain restrictions, Senate employees are free to engage in campaign activity, as volunteers or for pay, provided they do so voluntarily, on their own time, outside of Senate space, and without using Senate resources. Staff may not be required to do campaign work as a condition of Senate employment. Senate employees must obtain their supervising Senator's permission to ensure that any campaign work does not conflict with their Senate duties. Because Senate pay should be commensurate with Senate duties performed, it is proper for a Senator to either reduce an employee's salary or remove an employee from Senate payroll when the employee intends to spend additional time on campaign activities, over and above leave or personal time. Members and staff are encouraged to contact the Select Committee on Ethics (the Committee) regarding specific proposed official/campaign work arrangements.

**Soliciting or Handling Campaign Funds by Senate Staff:** With limited exceptions, Senate Rule 41 (Political Fund Activity) prohibits Senate employees from receiving, soliciting, being the custodian of, or distributing funds in connection with any federal election.

**Political Fund Designees (PFDs) in Senate Offices:** As an exception to the general prohibition, Senate Rule 41 permits a Senator to designate up to three political fund designees (PFDs) who may solicit and otherwise handle federal campaign contributions, but only for the Senator's principal campaign committee, a campaign committee controlled by a Senator or group of Senators, or a state or local committee of a national party. As with any campaign activity, this must be done on the PFD's own time, outside of Senate space, and without using any Senate resources. All PFD designations must be made in writing by completing the *Designation of Staff for Limited Political Fund Activity Form* (Form 41.1). This form must be filed with the Office of Public Records (SH-144).

Please note that this is intended as a quick reference and does not represent or address all applicable authority and guidance on the subject. For more information, consult the relevant laws, rules, and standards of conduct, including the Senate Ethics Manual, or contact the Committee at (202) 224-2981 for advice concerning your specific situation.



# U.S. SENATE SELECT COMMITTEE ON ETHICS

## Campaign Activity

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### Frequent Campaign Issues (continued)

**Unsolicited Campaign Contributions Received in the Mail:** An unsolicited campaign contribution received in a congressional office must be sent to the appropriate campaign organization within seven days of receipt (18 U.S.C. § 607). A Senate office may keep pre-addressed, pre-stamped envelopes, paid for by the campaign, for purposes of complying with this restriction. The PFD should handle the collection and transfer of any unsolicited contributions.

Unsolicited campaign contributions should be returned if there is any indication of a connection between the contribution and official business.

**Unsolicited Campaign Contributions Delivered in Person to Senate Facilities:** The seven-day transfer provision of 18 U.S.C. § 607 also applies to unsolicited contributions delivered in person to the Senate. An unsolicited contribution delivered in person to a Senator's office may be placed in a campaign envelope for timely transfer to the campaign office. Alternatively, a pre-addressed, pre-stamped envelope, paid for by the campaign, may be given to the would-be contributor for his or her later use in forwarding the contribution to the campaign.

Special care should be exercised if an unsolicited contribution is delivered in person to a Senate office. Often the individual tendering the contribution in the Senate office also has official business to conduct. When this is the case, to avoid the appearance of any link between official Senate activities and the receipt of campaign contributions, the Senate office is advised to refuse the contribution and emphasize that the Senate office is separate from the campaign office and that the provision of Senate services can have no connection with any campaign contribution.

**Misdirected Correspondence:** If a Senate office receives an inquiry that refers to a campaign or partisan matter, the office may forward the correspondence to the campaign for response. If a Member's campaign committee receives written inquiries concerning legislative/representational matters, the campaign should forward the correspondence to the Senate office.

**Unsolicited Telephone or E-mail Inquiries on Campaign Topics:** The receptionist in a Senate office may inform callers who seek campaign information or who express a desire to make a campaign contribution to direct their inquiries to the Member's campaign committee, and also may give the caller the address and telephone number of the campaign. For email inquiries, the office may forward the email to the campaign or respond to the sender with the address and telephone number of the campaign. The office may not provide a link to the campaign website.

**Campaign Websites and Social Media:** The Senate's *Internet Services and Technology Resources Usage Rules* prohibit any linkage from a Member's official website or social media to any campaign website or social media. Further, a Member's campaign website may not link to his or her official Senate website. The Rules Committee administers this policy. Thus, in providing guidance on these matters, the Committee may also recommend consulting the Rules Committee.

**Great Seal or Senate Seal on Campaign Materials:** Both the Senate Seal and the Great Seal of the United States are protected by 18 U.S.C. § 713. Commercial use, personal use, or campaign use of these seals, or any facsimiles thereof, is prohibited. If a Member's campaign wishes to use a symbol of government on its campaign stationery, a depiction of the Capitol dome is permissible.

**Mixed Purpose Travel:** Expenses for travel involving both official Senate activity and campaign activity must be pro-rated on a reasonable basis to accurately reflect the purpose of the trip. Questions regarding Federal Election Commission (FEC) regulations should be directed to the FEC Congressional Liaison at (202) 694-1006.

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October 2020