

CAMPAIGN-RELATED QUESTIONS
QUICK REFERENCE

This quick reference summarizes the Select Committee on Ethics' long-standing guidance on campaign-related issues that arise frequently in Senate offices. For a full discussion of relevant standards of conduct, see Chapter 6 of the *Senate Ethics Manual*, on "Political Activity." The *Manual* and other Committee publications and forms may be accessed at the Committee's website (ethics.senate.gov). **Please call the Committee at 4-2981 with any questions on specific situations.** Contact the Federal Election Commission on questions arising under federal election campaign law or regulations.

Use of official resources to assist campaign organizations. Senate space, equipment, staff time, and resources generally should not be used to assist campaign organizations. Certain *de minimis* overlap between the official office and the campaign inevitably may occur and is permissible, including scheduling assistance between offices and response to "official" press inquiries that may also include incidental inquiries about campaign matters. Also, the campaign may be treated in the same way the Senate office would treat any other outside organization on a non-partisan basis. For example: a Senate office may provide a copy of the Member's floor speech to the campaign committee at its request if the office would provide the speech to any other organization or individual who asks, without regard to political affiliation; the office may provide information about the Senator's legislative accomplishments to the campaign committee at its request, if the office would do the same for anyone who asks for it.

Campaign work by congressional staff. Subject to the restriction on handling federal campaign funds (see discussion below on "political fund designees"), Senate employees are free to engage in campaign activity on their own, as volunteers or for pay, provided they do not do so in congressional offices or otherwise use official resources and provided they do not neglect their official duties. Staff may not be required to do campaign work as a condition of Senate employment. Because Senate pay should be commensurate with Senate duties performed, when an employee intends to spend additional time on campaign activities, over and above time beyond regular working hours and any accrued annual leave or vacation time, a Senator should either reduce the salary of or remove the employee from the Senate payroll, as appropriate. Members and staff are encouraged to contact the Committee regarding specific proposed official/campaign work arrangements.

Political contributions from Senate employees. Under federal law, a Senate employee *may not make a political contribution to his or her employing Member's campaign*, including by advancing funds for purchases by the campaign. (Note: working for the employing Member's campaign is *not* considered a contribution.) Other than to the employing Member or officer's campaign, however, a Senate employee may contribute to the campaign of any other candidate, including that of any Senator or Senate candidate. Federal law does, however, prohibit the knowing solicitation of political contributions from federal employees, including congressional employees, and prohibits both the solicitation and (except as discussed below) the receipt of contributions in any building where federal employees work, including Senate office buildings and Members' district offices.

Status of political fund designees (PFDs) in Senate offices. Rule 41.1 prohibits most Senate officers and employees from soliciting or handling *any* campaign funds for a federal election. The Rule does permit any one of a Member's three political fund designees (PFDs) to solicit and otherwise handle federal campaign contributions, but only for a political campaign committee controlled by a Senator or group of Senators. This campaign activity must be done on the PFD's own time, away from Senate facilities, and without using any Senate equipment or supplies. Like other Senate employees, a PFD may not contribute to, or make an advance to, the employing Member's campaign. All designations of PFDs must be in writing and publicly filed with the Secretary of the Senate; contact the Committee with questions about such filings.

Unsolicited campaign contributions in the mail. By law, an *unsolicited* campaign contribution may be received within a congressional office but must be transferred *within seven days of receipt* to the appropriate campaign organization (18 U.S.C. § 607). For this purpose, a Senate office may keep handy an envelope addressed to the campaign; the envelope and any necessary postage should be paid for by the campaign. The Senate employee assigned to handle the collection and transfer of any unsolicited checks should be a political fund designee ("PFD");



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see discussion above), although if circumstances require, the PFD may delegate these duties to another responsible employee of the Member's office, with the Member's approval. The seven-day provision of 18 U.S.C. § 607 applies to *unsolicited contributions only*; it does not authorize solicitation from a federal (including congressional) office nor does it permit receipt of contributions in a federal office where the contributions have been solicited in a manner which directs the contributor to return contributions to a federal office.

Unsolicited campaign contributions delivered in person to Senate facilities. The seven day transferal provision of 18 U.S.C. § 607 (see above) also applies to unsolicited contributions delivered in person to the Senate: an unsolicited contribution check delivered in person to a Senator's office may be given to the PFD (see discussion above) directly, or placed by the receiving employee in the PFD's inbox, for timely transfer to the appropriate campaign office; alternatively, a pre-addressed, prestamped campaign envelope (paid for by the campaign) may be given to the would-be contributor for his or her later use in forwarding the check to the campaign. Campaign contributions may *not* be solicited from, or for delivery to, a federal office.

NOTE: While *unsolicited* contributions may be delivered in person to a Senate office, special care should be exercised regarding such contributions. Often the individual tendering the contribution in the Senate office also has official business to conduct in the office. When this is the case, to avoid the appearance of any connection between official Senate activities and the receipt of campaign contributions, it is advisable that the office not accept the contribution and emphasize that the Senate office is not connected with the campaign and that the provision of Senate services can have no connection with any campaign contribution. Similarly, contribution checks received in Senate office mail, even if unsolicited, should not be accepted if there is an indication of a connection between the contribution and official business.

Constituent official correspondence misdirected to the campaign, and campaign correspondence misdirected to the Senate office. When a Member's principal campaign committee receives written inquiries concerning legislative/representational matters, the campaign may forward the name, address, and nature of the official question to the Senate office for response. Similarly, if the Senate office receives an inquiry that refers to a campaign matter, the office may forward the name and address and nature of the inquiry to the campaign for response.

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. The Senate press secretary may respond to unsolicited telephone inquiries, even where the caller asks questions related to a Member's political campaign, if such campaign questions are incidental to official questions. However, a Senate office should not function as the campaign press shop or otherwise engage in proactive campaign activity. A Senate office that receives an unsolicited e-mail inquiry on a campaign-related question may inform the sender that the communication was addressed to the Senate office, which is not related to the Senator's campaign, and that, if the sender wishes, the campaign may be contacted at its e-mail address, mailing address, or telephone number. Alternatively, the message may be treated as misdirected mail and simply forwarded to the campaign.

Campaign website and the Senate website. The Rules Committee policy on Senate Internet services prohibits any linkage on the Member's official website to his or her (or any) campaign web site. The Ethics Committee has advised that a Member's principal campaign committee website should not include a link to his or her Senate office website.

Great Seal, Senate Seal, on campaign documents. Both the Senate Seal and the Great Seal of the United States (depicting an eagle clutching items in its talons) are protected by 18 U.S.C. 713, a criminal statute. Thus, commercial use, personal use, or campaign use of these seals (or any facsimiles thereof) would be improper. If a Member's campaign wants to use a symbol of government on its campaign stationery, a depiction of the Capitol dome would be appropriate.