

# Inouye's campaigns: 1992: Federal Election Commission

Senator Daniel K. Inouye Papers  
Campaign files, Box CP19, Folder 4  
<http://hdl.handle.net/10524/62806>

---

Items in eVols are protected by copyright, with all rights reserved, unless otherwise indicated.

*UHM Library Digital Collections Disclaimer and Copyright Information*

reported

6/28

~~#~~

~~██████████~~

Dorothy  
Hutcheon

*Dan*

SAMPLE INVITATION FEC INFORMATION

---

Maximum contribution is \$1,000.00 per person, per election  
(corporate checks are not permissible).

The following information is required by the FEC:

Name  
Address  
City, State Zip  
Telephone  
Occupation  
Employer  
Business Address

---

Contributions are not deductible for federal income tax purposes.  
(See reverse for FEC laws). \*\*

---

\*\* Usually the following FEC law is listed on the back of the  
RSVP card:

Federal Election Law

1. Federal election laws allow a maximum contribution of \$1,000.00 per individual (Federal PACs \$5,000.00) for the primary election and \$1,000.00 per individual (Federal PACs \$5,000.00) for the general election.
  2. The spouse of a contributor may also give up to \$1,000.00 for the primary and another \$1,000.00 for the general election. The spouse does not have to have separate funds or a separate checking account but the check must indicate it is the spouse's.
  3. Corporate contributions are prohibited by law.
- 

On the invitation the following disclaimer MUST be printed:

Paid for by "Daniel K. Inouye in 92"  
F.E.C. ID #C00213314

---

Whenever possible, please add union bug on all items printed.

## DANIEL K. INOUE IN 92

## CAMPAIGN CONTRIBUTION AND SPENDING GUIDELINES

The following are some campaign contribution and spending guidelines for the Daniel K. Inouye in 92 Campaign. This summary is not intended to be all inclusive, and users should contact the Committee whenever they have questions. Questions may be referred to any one of the following individuals:

## Watanabe, Ing &amp; Kawashima

Jeffrey Watanabe	544-8300
Cheryl Kakazu	544-8300

## Nishihama &amp; Kishida, CPA's, Inc.

Glenn T. Kishida	524-2255
Wesley Hiyane	524-2255

CONTRIBUTIONS

## 1. What is a contribution?

A contribution is anything of value given to a political committee or candidate and includes the following:

- a. Cash or checks. Cash contributions (i.e., currency) may not exceed \$100.
- b. In-kind contributions. Goods and services provided to the Committee free or at less than the usual charge (e.g., food or entertainment provided for a campaign rally). See questions 8 and 9.

-- Goods are valued at the lowest price/rate available from the vendor.

-- Services are valued at the hourly rates paid to individuals by their regular employer. Volunteer activity is not considered a contribution.

c. Loans.

d. Entire proceeds from fund raisers.

## 2. Who may contribute?

a. Individuals (natural persons).

b. Partnerships.

c. Political action committees (PACS).

3. Who may not contribute?

- a. Corporations, labor organizations, and banks (but PACS established by these organizations may contribute).
- b. Federal government contractors.
- c. Foreign nationals. (i.e., foreigners without green cards).

4. How much may be contributed?

The amount of contributions is limited to:

- a. Generally, \$1,000 per election. (i.e., \$1,000 for the primary and \$1,000 for the general).
- b. Multicandidate committees (PACS) can contribute up to \$5,000 per election. (i.e., \$5,000 for the primary and \$5,000 for the general).

5. What information should be obtained for each contribution?

- a. The date and amount of the contribution,
- b. The contributor's name and address,
- c. The contributor's occupation, and
- d. The name of the contributor's employer.

6. Can contributions be made in the name of another person?

No. A contribution made by one person in the name of another is prohibited.

7. Does the Hatch Act prohibit federal employees from making contributions?

No. But the Hatch Act does prohibit federal employees working in an executive agency (e.g., federal Department of Agriculture) from soliciting or collecting political contributions, and from actively engaging in campaign activities. The Hatch Act does not apply to covered employees' family members or to the legislative branch (e.g., Senate staff).

Although covered employees cannot directly assist federal candidates such as by doing clerical work at campaign headquarters, canvassing voters, or stuffing envelopes at home, covered employees may attend political rallies as spectators and may make financial contributions.

8. Are food and beverages voluntarily provided at a coffee hour reportable as contributions?

No, the cost of invitations, food and beverages voluntarily provided by an individual in his or her home or in a church or community room is not reportable as a contribution, so long as such cost does not exceed \$1,000 per election.

9. Can an incorporated vendor give an in-kind contribution?

No, corporations are prohibited from giving anything of value to a federal campaign without charge. But a corporation can sell food or beverages at cost to the campaign, so long as the amount of the discount, i.e., the difference between the vendor's lowest available price/rate and the cost of the goods, does not exceed \$1,000 per election. Note that this is a special exception only after food or beverages sold at cost to the campaign.

Example: An incorporated vendor sells beer at his cost of \$900 to the campaign for a fund-raiser before the primary election. The beer normally retails for \$1,800 and the lowest that the vendor ever sells it to stores is \$1,500. Because the difference of \$600 between the vendor's lowest price (\$1,500) and its cost (\$900) is less than \$1,000, the transaction is legal. But if the vendor sold twice as much beer to the campaign for the same fund-raiser, then the difference between its lowest price (\$3,000) and its cost (\$1,800) would be \$1,200. Since this would exceed the \$1,000 limit for any one election, \$200 would be considered an illegal contribution by the corporation.

Note, however, that the \$1,000 limit applies to each election. Consequently, the vendor could sell beer to the Committee at a discount worth less than \$1,000 prior to the primary election and then do the same thing again for the general election without violating the law.

10. Can an incorporated business provide goods or services at a discount to the campaign?

Yes, so long as the business normally provides such discounts and is not making a special exception for the campaign. If an incorporated entity sold goods or services at a discount to the campaign in an arms-length transaction as part of its normal course of business, then that transaction would not be considered an in-kind contribution and would simply be reported as part of the campaign's costs or expenses.

Example: A hotel can provide an upgraded room or a room at a price below its normal rack rate so long as this is a normal practice of the hotel and is not done only for the campaign.

## EXPENDITURES

1. What information must be recorded for each expenditure?
  - a. The date and amount of each expenditure,
  - b. The payee's name and address, and
  - c. The purpose of the expenditure.
  
2. What records must be maintained for each expenditure?
  - a. The customer receipt or invoice,
  - b. Monthly billing statement is paid by credit card, and
  - c. Cancelled check.

COMPARISON OF FEDERAL AND  
STATE CAMPAIGN CONTRIBUTIONS  
AND SPENDING LAWS

CONTRIBUTIONS	FEDERAL	STATE
1. What is a contribution?	<p>Anything of value given to a political committee or a candidate. Includes the following:</p> <p>a. A gift of money made by check or cash (currency), however cash contributions are subject to a special \$100 limit.</p> <p>b. In-kind contributions. Goods and services provided to the Committee free or at less than the usual charge (e.g. food or entertainment provided for a campaign rally). See questions 8 and 9.</p> <p>. Goods are valued at the lowest price/rate available from vendor.</p> <p>. Services are valued at the prevailing commercial rate at the time the services are rendered. Volunteer activity is not considered a contribution.</p> <p>c. Loans, including campaign loans from a member of the candidate's family. Bank loans if made in the ordinary course of business are not considered contributions.</p>	<p>Anything of value given to a political committee or a candidate. Includes the following:</p> <p>a. A gift, subscription, deposit of money, or cancellation of debt or legal obligation.</p> <p>b. Same as Federal.</p> <p>. No specific valuation rules are stipulated under state law for goods or services provided to the Committee.</p> <p>c. Loans or advances made in the pursuit of the candidate's campaign shall not be treated as a contribution but must be reportable as a campaign receipt.</p>



FEDERAL

STATE

- |                                 |    |   |    |  |
|---------------------------------|----|---|----|--|
|                                 | d. | Entire proceeds from fund-raisers.  | d. | Same as Federal including the purchase of tickets to fund-raisers for the purpose of influencing the nomination for election or election of any person to office or influencing the outcome of any question or issue.        |
|                                 |    |   | e. | A contract, promise, or agreement to make a contribution.  |
| 2. Who may contribute?          | a. | Individuals (natural persons).  | a. | Same as Federal plus: <ul style="list-style-type: none"> <li>. Associations</li> <li>. U.S. corporations</li> <li>. Committees</li> </ul>  |
|                                 | b. | Partnerships.   |    |  |
|                                 | c. | Political action committees (PACS).   |    |  |
| 3. Who may not contribute?      | a. | Corporations, labor organizations and banks.  | a. | Foreign corporations.  |
|                                 | b. | Federal government contractors.   | b. | Foreign nationals (i.e., foreigners without green cards).  |
|                                 | c. | Foreign nationals (i.e., foreigners without green cards).                               |    |  |
| 4. How much may be contributed? | a. | Generally \$1,000 per election (i.e., \$1,000 for primary and \$1,000 for the general). | a. | \$2,000 aggregate per election. (Note: \$2,000 must be collected in period of election. I.e., \$2,000 for primary and \$2,000 for general. <u>Cannot</u> be \$4,000 and allocate \$2,000 to primary and \$2,000 to general). |

FEDERAL

STATE

b. Multicandidate committees (PACS) can contribute up to \$5,000 per election. (I.e., \$5,000 for primary and \$5,000 for general).

Contributions by dependent minor shall be in name of minor BUT counted against contribution of minors parent or guardian.

5. What information should be obtained for each contribution?

Contributions of \$50 or less for fund-raising events:

Not applicable.

a. In the case of small contributions collected at a fundraiser (such as gate receipts, cash contributions), keep records of the name of the event, the date, and the total amount of contributions received on each day of the event.

Contributions up to \$200:

a. Date and amount of contribution.

a. Date and amount of contribution for contributions of less than \$25. For contributions of \$25 but less than \$100, add donor's name and address.

b. Donor's name and address.

b. Donor's occupation needed for contributions of \$100 or more.

Contributions aggregating over \$200:

Same information as contributions up to \$200 plus donor's occupation and employer.

FEDERAL

STATE

6. Can anonymous contributions be used?

No. Anonymous cash contributions exceeding \$50 cannot be kept by a political committee. Anonymous contributions of \$50 or less may be retained, since they are below the FECA record-keeping requirements.

Anonymous cash contributions in excess of the \$50 recordkeeping requirement may be given to a recognized charity of the committee's choice. The "best effort" requirement in the FEC's proposed disclosure regulations (8 103.3) is intended to assure as complete a record as possible, not to allow a loophole for anonymous cash contributions.

A state law that requires all anonymous contributions to be turned over to the state treasurer is pre-empted by the federal act if the state law applies to federal candidates.

Anonymous contributions to federal candidates in excess of the \$50 allowed by the federal law may be given to the state treasurer.

No. Anonymous contributions may not be used but must escheat to Hawaii election campaign fund if not returnable to donor.

This section shall not apply to amounts that aggregate less than \$500 when obtained through multiple contributions made by ten or more persons at the same political function. Each such aggregate contribution shall be reported accompanied by a description of the means, method, place, and date of receipt.

7. Can contributions be made in the name of another person?

No.

No.

FEDERAL

STATE

8. Are food and beverages voluntarily provided at a coffee hour reportable as contributions?

No. The cost of invitations, food and beverages voluntarily provided by an individual in his or her home or in church or community room is not reportable as a contribution, so long as such cost does not exceed \$1,000 per election.

Yes. In-kind contributions applicable toward \$2,000 limitation per election.

9. Can an incorporated vendor give an in-kind contribution?

No. Corporations are prohibited from giving anything of value to a federal campaign without charge. But a corporation can sell food or beverages at cost to the campaign, so long as the amount of the discount, i.e., the difference between the vendor's lowest available price/rate and the cost of the goods, does not exceed \$1,000 per election.

Yes. However, value is counted toward \$2,000 limitation per election.

Note that this is a special exception only for food or beverages sold at cost to the campaign.

Example: An incorporated vendor sells beer at his cost of \$900 to the campaign for a fund-raiser before the primary election. The beer normally retails for \$1,800 and the lowest that the vendor ever sells it to stores is \$1,500. Because the difference of \$600 between the vendor's lowest price (\$1,500) and its cost (\$900) is less than \$1,000, the transaction is legal. But if the vendor sold twice as much beer to the campaign for the same fund-raiser,

then the difference between its lowest price (\$3,000) and its cost \$1,000 limit for any one election, \$200 would be considered an illegal contribution by the corporation.

Note, however, that the \$1,000 limit applies to each election. Consequently, the vendor could sell beer to the Committee at a discount worth less than \$1,000 prior to the primary election and then do the same thing again for the general election without violating the law.

10. Can an incorporated business provide goods or services at a discount to the campaign?

Yes. So long as the business normally provides such discounts and is not making a special exception for the campaign. If an incorporated entity sold goods or services at a discount to the campaign in an arms-length transaction as part of its normal course of business, then that transaction would not be considered an in-kind contribution and would simply be reported as part of the campaign's costs or expenses.

Not applicable for State.

Example: A hotel can provide an upgraded room or a room at a price below its normal rack rate so long as this is a normal practice of the hotel and is not done only for the campaign.

FEDERAL

STATE

11. Does the Hatch Act prohibit federal employees from making contributions?

No. But the Hatch Act does prohibit federal employees working in an executive agency (e.g., federal Department of Agriculture) from soliciting or collecting political contributions, and from actively engaging in campaign activities. The Hatch Act does not apply to covered employees' family members or to the legislative branch (e.g., Senate staff).

Not Applicable.

Although covered employees cannot directly assist federal candidates such as by doing clerical work at campaign headquarters, canvassing voters, or stuffing envelopes at home, covered employees may attend political rallies as spectators and may make financial contributions.

FEDERAL

STATE

EXPENDITURES

- |  |  |                  |
|--|--|------------------|
| 1. What information must be recorded for each expenditure? | a. Date and amount of each expenditure.              | Same as Federal. |
|  | b. Payee's name and address.                         |                  |
|  | c. Purpose of expenditure.                           |                  |
| 2. What records must be maintained for each expenditure?   | a. The customer receipt or invoice.                  | Same as Federal. |
|  | b. Monthly billing statement if paid by credit card. |                  |
|  | c. Cancelled check.                                  |                  |

## DANIEL K. INOUE IN 92

## CAMPAIGN RECEIPTS AND DISBURSEMENTS PROCEDURES

## I. Cash Receipts

## A. Hawaii

1. Deposit cash or check contribution collections to nearest First Hawaiian Bank branch via preprinted deposit slips. At end of each week, a copy of each deposit slip and contribution information should be mailed to the address shown below.
2. For Fund-raising Events:
  - a. Prepare a Ticket Reconciliation Sheet for each deposit.
  - b. Attach ticket stubs (completely filled in) to Ticket Reconciliation Sheet.

## B. Outside of Hawaii

1. Cash collected in the mainland USA will be deposited daily to the Washington D.C. Sovran Bank branch.
2. Using a preprinted checklist, all contributions will be screened for legal acceptability.
3. Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receipt, forward such contribution to the treasurer who has 10 days from his receipt to deposit the contribution.
  - a. The treasurer of the committee shall be responsible for making such deposits and for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor do not exceed the contribution limitation.



- b. Any contribution may be, within 10 days of the treasurer's receipt, returned to the contributor without being deposited.
4. At the end of each week, a copy of each contribution check, contribution card, and deposit slip will be mailed to Nishihama & Kishida.
5. At the end of each month, all cash (except for a \$100 balance) will be wire transferred to the First Hawaiian Bank account.
6. At the end of each month, mail copy of contribution receipts to Washington D.C. and Honolulu offices.

## II. Cash Disbursements

### A. Hawaii

#### 1. Reimbursements

Each request for reimbursement must be accompanied by a signed "Authorization For Payment Form" (completely filled in sample enclosed) plus supporting paid vendor invoices.

#### 2. Direct Vendor Payments

The authorizing purchaser will submit a signed "Authorization For Payment Form" (completely filled in sample enclosed) for each purchase together with a vendor invoice.

### B. Washington, D.C.

#### Petty Cash Checking Account

1. An Imprest Checking Account of \$1,000.00 will be used for the smaller purchases to be paid in Washington, D.C.
2. Requests for reimbursement to this Petty Cash Checking Account will be done in the same manner as stated in A.1. above.

DANIEL K. INOUE IN 92

TICKET ASSIGNMENT LOG

<u>Date</u>	<u>Name</u>	<u>Number</u>		<u>No. of Tickets</u>
		<u>From</u>	<u>To</u>	

DANIEL K. INOUE IN 92

TICKET RECONCILIATION

Date     /     /    

Tickets and money submitted by \_\_\_\_\_

Tickets sold

- 1. Number of tickets \_\_\_\_\_
- 2. Ticket price x \$ \_\_\_\_\_
- 3. Amount sold \$

Amount collected

- 4. Cash \$ \_\_\_\_\_
- 5. Checks \_\_\_\_\_
- 6. Total deposited \_\_\_\_\_
- 7. Amount over (short) - line 3 minus line 6 \$

Prepared by \_\_\_\_\_

MEMORANDUM

TO: Daniel K. Inouye in 92 Committee Members  
FROM: Glenn T. Kishida *Glenn T. Kishida*  
SUBJECT: Authorization For Payment Form Instructions  
DATE: April 29, 1991

With 1992 being the election year for the Senator, we anticipate a large amount of disbursements coming in; therefore, we would appreciate that the Authorization For Payment Forms be completely and correctly filled out (see attached samples). Before sending them to our office, please ensure that all necessary information is submitted with this form. These include the following:

1. Instructions on where to send the check.
2. Destinations on all air fare expenses.
3. Invoices/receipts to enable complete and proper documentation.
4. Complete addresses for payees.
5. Description for the purpose of each disbursement.
6. An indication if the check is needed immediately.  
(\*\*NOTE: Disbursements are made on the 15th and 30th of each month.)

NOTE: When there is a request for payment to be made directly to the vendor, please use separate Authorization For Payment Forms.

DANIEL K. INOUE IN 92

AUTHORIZATION FOR PAYMENT FORM

Purpose: \_\_\_\_\_ Request for Reimbursement to \_\_\_\_\_

X  Request for Payment

Charged to:  X  MasterCard, \_\_\_\_\_ Amer. Exp. \_\_\_\_\_ Other \_\_\_\_\_

Submitted by:  Senator Daniel K. Inouye  Date  XX/XX/XX

NOTE: Each request for expenses  must  be properly supported by a paid vendor invoice or statement.

Date	Vendor & Complete Address	Purpose	Code	Amount	
XX/XX	United Airlines, Inc. 18 G Street, N.W. Washington, D.C. 20002	Travel - air fare from DC to LA, HNL	E	\$1,500	00
XX/XX	Embassador Hotel 1414 Imperial Avenue Los Angeles, CA 30003	Hotel expense for LA fund-raiser	F	258	41
XX/XX	Stationery, Inc. 424 K Street, N.E. Washington, D.C. 20000	Office supplies for DC office	D	24	35
XX/XX	Longs Drugs 555 Bishop Street Honolulu, Hawaii 96813	Office supplies for headquarters	D	35	14
				<b>Total</b>	<b>\$1,817 90</b>

CODE:

- A. \$ \_\_\_\_\_ Auto
- B. \_\_\_\_\_ Campaign meals
- C. \_\_\_\_\_ Fundrais. dinner
- D.  59.49  Ofc. supplies
- E. \_\_\_\_\_ Telephone
- F.  \$1,500.00  Travel
- G.  258.41  \_\_\_\_\_
- H. \_\_\_\_\_
- I. \_\_\_\_\_
- J. \_\_\_\_\_

Date \_\_\_\_\_  
 Reim.  / /   
 Check \_\_\_\_\_  
 Number \_\_\_\_\_  
 Appr'vd \_\_\_\_\_  
 by \_\_\_\_\_

\*\*By my signature above, I hereby certify that the above-described expense was incurred in furtherance of the purpose of electing Daniel K. Inouye to the United States Senate in 1992.

DANIEL K. INOUE IN 92  
AUTHORIZATION FOR PAYMENT FORM

Glenn T. Kishida  
1760 Pacific Tower  
1001 Bishop Street  
Honolulu HI 96813

Purpose:   X   Request for Reimbursement to \_\_\_\_\_  
       Request for Payment \_\_\_\_\_

Charged to:        MasterCard,        Amer. Exp.        Other \_\_\_\_\_

Submitted by:   Glenn T. Kishida   *Glenn T. Kishida* Date   XX   /   XX   /   XX  

NOTE: Each request for expenses must be properly supported by a paid vendor invoice or statement.

Date	Vendor & Complete Address	Purpose	Code	Amount
XX/XX	Aloha Airlines, Inc. 1050 Bishop Street Honolulu HI 96813	Travel - air fare from Honolulu to Maui for fund-raiser	F	\$ 83.45
XX/XX	Kahului Taxi Service 286 W Hawaii Kahului HI 96732	Taxi to fund-raiser	G	10.00
XX/XX	Sheraton-Maui Hotel Kaanapali Beach Lahaina HI 96761	Campaign hotel	H	259.45

<b>CODE:</b>				<b>Total</b>	\$ 352.90
A. \$ _____	Auto	F. \$ 83.45	Travel		
B. _____	Campaign meals	G. 10.00	Travel		
C. _____	Fundrais dinner	H. 259.45	Travel		
D. _____	Ofc supplies	I. _____			
E. _____	Telephone	J. _____			
				Date of	
				Reim.	/ /
				Check	_____
				No.	_____
				Appr.	_____
				By	_____

\*\*By my signature above, I hereby certify that the above-described expense was incurred in furtherance of the purpose of electing Daniel K. Inouye to the United States Senate in 1992.

DANIEL K. INOUE IN 92  
AUTHORIZATION FOR PAYMENT FORM

Purpose: \_\_\_\_\_ Request for Reimbursement to \_\_\_\_\_

XXX Request for Payment

Charged to: \_\_\_\_\_ MasterCard, \_\_\_\_\_ Amer. Exp., \_\_\_\_\_ Other \_\_\_\_\_

Submitted by: JEFFREY N. WATANABE *Jeffrey N. Watanabe* Date 7/24/91

NOTE: Each request for expenses must be properly supported by a paid vendor invoice or statement.

Date	Vendor & Complete Address	Purpose	Code	Amount
6/24	LEHUA JAYCEES P.O. BOX 1778 HILO, HAWAII 96720	DONATION TO MISS ALOHA HAWAII SCHOLARSHIP PAGEANT	G	\$ 50.00
	ATTN: MAHSP - G. TAKAKI			

CODE: \_\_\_\_\_ Total \$ 50.00

A. \$ \_\_\_\_\_ Auto  
 B. \_\_\_\_\_ Campaign meals  
 C. \_\_\_\_\_ Fundrais dinner  
 D. \_\_\_\_\_ Ofc supplies  
 E. \_\_\_\_\_ Telephone  
 F. \$ \_\_\_\_\_  
 G. \$50.00  
 H. \_\_\_\_\_  
 I. \_\_\_\_\_  
 J. \_\_\_\_\_

Travel \_\_\_\_\_  
 DONATION 2,5200  
 Date of Reim. 07/31/91  
 Check No. 817  
 Appr. By G

\*\*By my signature above, I hereby certify that the above-described expense was incurred in furtherance of the purpose of electing Daniel K. Inouye to the United States Senate in 1992.

DANIEL K. INOUE IN 92  
AUTHORIZATION FOR PAYMENT FORM

Purpose:            \_\_\_ Request for Reimbursement to \_\_\_\_\_

                  \_\_\_ Request for Payment

Charged to:      \_\_\_ MasterCard,     \_\_\_ Amer. Exp.,    \_\_\_ Other \_\_\_\_\_

Submitted by:    \_\_\_\_\_ Date    /    /    

NOTE:           Each request for expenses must be properly supported by a paid vendor invoice or statement.

Date	Vendor & Complete Address	Purpose	Code	Amount	
				\$	

- CODE:
- A. \$ \_\_\_\_\_ Auto
  - B. \_\_\_\_\_ Campaign meals
  - C. \_\_\_\_\_ Fundrais dinner
  - D. \_\_\_\_\_ Ofc supplies
  - E. \_\_\_\_\_ Telephone
  - F. \$ \_\_\_\_\_ Travel
  - G. \_\_\_\_\_
  - H. \_\_\_\_\_
  - I. \_\_\_\_\_
  - J. \_\_\_\_\_

Total \$ \_\_\_\_\_

Date of Reim.     /    /    

Check No.      \_\_\_\_\_

Appr. By        \_\_\_\_\_

\*\*By my signature above, I hereby certify that the above-described expense was incurred in furtherance of the purpose of electing Daniel K. Inouye to the United States Senate in 1992.



M E M O R A N D U M

TO: ALL STAFF

DATE: FEBRUARY 7, 1992

FROM: JENNIFER

RE: SENATE ETHICS RULES

Set forth below is a summary of the pertinent provision of the U.S. Code, the Senate Ethics rule and advisory opinions relating to Senate staff participation in campaign-related activities.

18 U.S.C. 603 -- Federal law prohibits a staff member from making a campaign contribution to the Member of Congress he/she is employed by.

Ethics Rule 41 -- No Senate employee, part-time or full-time, may receive, solicit or distribute any campaign funds for the election of a member of the Senate. This prohibition does not apply to three aides designated by the Senator to perform such functions. The names of the three aides are designated in writing and filed with the Secretary of the Senate.

Aside from the three designated staff members--Jennifer Goto, Sally Watanabe, and Mary Lou Jardine--the receipt, solicitation and distribution of campaign funds for the Senator's upcoming election is prohibited.

Code of Official Conduct/Interpretative Rulings of the Ethics Committee --

1. No provision of the Senate Code of Official Conduct prohibits staff from attending a fundraising or campaign-related event outside of office hours or while on vacation leave. It is not intended that staff members be completely barred from participation in all of his/her Senator's political activities. Outside of business hours, it is permissible for staff to assist in planning and making arrangements for campaign/fundraising events. However, in order to stay well within the letter and spirit of the rule, staff who are not designated under Rule 41, and who attend and/or participate in the planning and execution of such an event should not be involved in the collection of funds or other related and integral aspects of fundraising. (Interpretative Rulings #3 & #22).

Field representatives, as part-time Senate employees, are also covered by the Rule 41 prohibition. Accordingly, while field representatives may be involved in campaign-related activities for the Senator during non-Senate time on their respective islands, any aspects involving the solicitation, receipt or distribution of campaign monies shall be handled solely by the campaign committee chairs.

2. A staff member may attend a fundraiser for his/her Senator, outside of office hours, while on official travel status. Extra travel expenses incident to attending the fundraiser may be paid by the Senator's campaign committee. The official travel status has no bearing on a staff member's ability to participate in campaign activities. However, the prohibition in Rule 41 applies to the receipt, distribution and solicitation of funds. (Interpretative Ruling #88). Accordingly, Honolulu or D.C. staff members' attendance at and participation in campaign events on the weekend on the Neighbor Islands is permissible.
3. A staff member will not be in violation of the Code of Official Conduct for an inadvertent or minimal overlap between his/her official duties and campaign activities during business hours and on Senate premises. The Senator has the responsibility to ensure that the overlap is minimal and that staff duties are not compromised by campaign-related activities. (Interpretative Ruling #154).

For example, when the press secretary responds to media calls about the Senator's campaign, such an overlap between official and campaign responsibilities is minimal. Additionally, when a staff member not so designated under Rule 41 opens the mail and finds an unsolicited campaign contribution check, there is no ethical violation.

4. A staff member may participate in campaign-related activities (except as prohibited by Rule 41) during other than business hours. The staff member may use his/her vacation time, or may take a leave of absence for such a purpose. However, if the staff member will be heavily involved for a substantial period of time, the Senator is required to use his best judgment in reducing the staff member to a part-time status, or removing him/her entirely from the office payroll for the duration of the campaign. The Senator may then place the staff member on the campaign payroll as a full-time worker. (Interpretative Ruling #154, #197).

Accordingly, staff members are not in violation of the Code of Conduct for attending a press conference, or other similar public event, on their own time. Such attendance does not compromise the performance of their official responsibilities, and it has never been the intent of the Ethics Committee to completely ban staff members from participating in the campaign-related activities of their Senator.

If you have any questions, do not hesitate to ask me. In any case, it is preferable to be conservative in your interpretation of the above to ensure compliance with the letter as well as the spirit of the rules.