

Honorable James Lankford, Chairman  
Honorable Christopher Coons, Vice Chairman  
U.S. Senate Select Committee on Ethics  
Hart Building, 2<sup>nd</sup> & C Sts., NE  
Room 220  
Washington, DC 20510

**Re: Complaint Regarding Senator Loeffler’s Campaign Activity on Capitol Grounds**

Dear Chairman Lankford and Vice Chairman Coons,

Pursuant to Rule 2 of the Rules of Procedure of the U.S. Senate Select Committee on Ethics (the “Committee”), I submit this sworn complaint regarding Senator Kelly Loeffler’s blatant violation of federal law and Senate ethics rules. While present in an official U.S. Senate building on official Senate business, Senator Loeffler made a direct plea for campaign contributions for her runoff election campaign. Using the trappings of her office to garner financial support for her own campaign is a clear violation of federal law and the ethics rules of the U.S. Senate. Accordingly, we urge the Committee to investigate these claims and take appropriate action against Senator Loeffler for any improper and illegal conduct that is “contrary to accepted morals [and] derogates from the public trust expected of a Senator.”<sup>1</sup>

**FACTUAL BACKGROUND**

Kelly Loeffler was appointed to the U.S. Senate in 2019.<sup>2</sup> In the November 3, 2020 special election for U.S. Senate in Georgia, she received just over 25% of the vote, qualifying her for the January 5 runoff election.<sup>3</sup> Senator Loeffler’s campaign website is [kellyforsenate.com](https://kellyforsenate.com).<sup>4</sup>

On November 18, 2020, Senator Loeffler appeared in an interview on Fox News - it is apparent from the news clip that she is standing in the Russell Senate Office Building Rotunda for the duration of the interview.<sup>5</sup> During the interview, in response to a question about campaign contributions received by her opponent, Senator Loeffler made a direct solicitation for her campaign: “Well look, we know that hundreds of millions of dark, liberal money is pouring into our state. That's why it's so important that everyone across the country get involved. They can visit [KellyforSenate.com](https://kellyforsenate.com) to chip in 5 or 10 bucks, and get involved, volunteer.”<sup>6</sup>

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<sup>1</sup> Senate Ethics Manual, Improper Conduct Reflecting Upon the Senate, Appendix E, at 434.

<sup>2</sup> Braktkon Booker, “Against Trump’s Wishes, Georgia Gov. Appoints Kelly Loeffler To Fill Senate Seat,” (Dec. 4, 2019) <https://www.npr.org/2019/12/04/784743977/against-trumps-wishes-georgia-gov-appoints-kelly-loeffler-to-fill-senate-seat>.

<sup>3</sup> Georgia Secretary of State, “Results,” <https://results.enr.clarityelections.com/GA/105369/web.264614/#/summary>.

<sup>4</sup> Kelly for Senate, <https://kellyforsenate.com/>.

<sup>5</sup> Fox News, “Everything is on the line’ during Georgia Senate runoffs: Sen. Loeffler,” 5:50 (Nov. 18, 2020) <https://video.foxnews.com/v/6210642310001#sp=show-clips>.

<sup>6</sup> *Id.*

## LEGAL ANALYSIS

Senator Loeffler's solicitation of campaign funds in an official Senate building is a clear violation of federal law and Senate ethics rules.

It is a federal crime for a U.S. Senator to solicit campaign contributions "while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person."<sup>7</sup> This strict prohibition is in place to ensure that public funds are used only for the public interest, not for a politician's private gain or for political purposes. As such, federal law makes clear that official government funds may only be used for the purposes that they were appropriated.<sup>8</sup> In other words, "official resources may only be used for official purposes."<sup>9</sup>

The Committee's guidance on the application of this law is quite clear: "Senate Members and staff may not receive or solicit campaign contributions in any federal building."<sup>10</sup> The Committee has prohibited Senators from using "any official resources to conduct campaign or political activities," including Senate space and facilities.<sup>11</sup> Similarly, the Committee's Policy for Use of Senate Rooms, the Russell Rotunda and Courtyard, the Hart Atrium, and the Capitol Rotunda, makes clear that Senate rooms, including the Capitol Rotunda, are available "only for Senate-related business" and "may NOT be used for any political campaign activity."<sup>12</sup>

Accordingly, Senator Loeffler violated federal criminal law and U.S. Senate ethics rules when she directly asked for contributions for her campaign while speaking inside the Capitol Rotunda. Senator Loeffler's plea that it is "so important that everyone across the country get involved" by visiting her campaign website to "chip in 5 or 10 bucks" constitutes a clear and direct solicitation for campaign contributions. Senator Loeffler's request for campaign contributions is not in any way related to her official duties as a Senator or the Senate's official actions, and this campaign solicitation while standing in the Russell Senate Office Building Rotunda was a flagrant violation of federal law and Senate rules.

As a United State Senator, Senator Loeffler is responsible for maintaining the public trust and comporting herself with the utmost moral integrity. Especially as an unelected Member of the Senate, chosen by the Governor of Georgia, she has a heightened responsibility to ensure her actions do not improperly reflect on the Senate and the people of Georgia who she was appointed to serve. Instead, Senator Loeffler chose to use her position of power to her own personal and political advantage, by asking the public to donate money to her campaign. By exploiting official resources for the sake of a few campaign dollars, Senator Loeffler has not only violated federal law and Senate ethics rules, but also the public trust.

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<sup>7</sup> 18 U.S.C. § 607(a).

<sup>8</sup> 31 U.S.C. § 1301(a)

<sup>9</sup> Senate Ethics Manual, at 150, 153.

<sup>10</sup> U.S. Senate Select Committee on Ethics, "Campaign Activity - General Prohibitions," <https://www.ethics.senate.gov/public/index.cfm/campaign-activity>.

<sup>11</sup> *Id.*

<sup>12</sup> See Select Committee on Ethics, Senate Ethics Manual Appendix J, 495-96 (2003 ed.).

Based on these violations, we urge the Committee to immediately investigate Senator Loeffler's actions and take appropriate remedial action pursuant to its authority under the Committee's Rules of Procedure. Because these allegations involve potential criminal violations, we will also be asking the Department of Justice to investigate and, if necessary, intervene.

Sincerely,

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STATE OF \_\_\_\_\_ )

County of \_\_\_\_\_ )

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of November, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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