



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

June 9, 2022

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895

Email: oce@mail.house.gov

RE: Rep. Slotkin House Ethics Violations

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interest over the interests of the public good. We request the Office of Congressional Ethics immediately investigate Michigan Representative Elissa Slotkin for apparently attending a campaign event from her House office, during which she solicited impermissible campaign contributions.

I. FACTS.

On May 11, 2022, Rep. Slotkin attended a virtual meeting of the Jewish Democratic Council of America (JDCA).¹ She appears to have attended the meeting from her congressional office, presumably with congressional office equipment, with her congressional staffer present, and during the meeting discussed campaign strategy and solicited campaign contributions.

Event Organizer. The JDCA is required to file two separate reports with the Federal Election Commission: (1) as a 501(c)(4) non-profit independent expenditure filer, and (2) as

¹ Exhibit 1 (Video Clip of Slotkin's Campaign Discussion & Solicitation), available at: https://video.wixstatic.com/video/65db76_fa68b25b58054056b120ad18b54c6cb4/720p/mp4/file.mp4.

Exhibit 2 (Video Clip of Slotkin's Congressional Staffer), available at: https://video.wixstatic.com/video/65db76_d50ab64789994e29a2be678333c886d6/720p/mp4/file.mp4.

Exhibit 3 (Video of May 11, 2022 Event), available at: https://video.wixstatic.com/video/65db76_5d36d802381a424ab153c8b932d6dcb7/720p/mp4/file.mp4.

JDCA PAC, a super PAC (independent expenditure only).² The JDCA has a single website that states it both “actively promotes policy” and “will play a critical role [in delivering candidates to victory] by endorsing candidates . . . and mobilizing Jewish voters where it can impact the outcome of close elections.”³

In the last two elections, the JDCA PAC reported it spent \$4,634 in independent expenditures in support of Slotkin.⁴ Additionally the Jewish Democratic Council of America (501(c)(4)) spent \$5,337 in independent expenditures during the 2018 election.⁵

Campaign and Political Nature of the Event. This virtual meeting was one event during the organization’s “week of action,” which its website explained:

“JDCA is the only national organization combining Jewish values advocacy with a Democratic political agenda, and our Week of Action is a great opportunity to put your values into action. We look forward to seeing you tomorrow and at our meetings and are grateful for your support.”⁶

Rep. Slotkin and her congressional staff member remotely attended the meeting from what appeared to be her House office.⁷ Rep. Slotkin discussed her reelection campaign, campaign strategy, and solicited campaign contributions.⁸ The following exchange took place:⁹

² Jewish Democratic Council Of America, Federal Election Commission, available at: <https://www.fec.gov/data/committee/C90018284/> (last accessed June 7, 2022); JDCA PAC, Federal Election Commission, available at: <https://www.fec.gov/data/committee/C00684969/> (last accessed June 7, 2022).

³ Jewish Democratic Council of America (JDCA), *About Us*, available at: <https://jewishdems.org/about/> (last accessed June 7, 2022).

⁴ JDCA PAC, Independent Expenditures, Federal Election Commission, available at: https://www.fec.gov/data/independent-expenditures/?amp%3Bcommittee_id=C00684969&%3Bis_notice=true&%3Bcandidate_id=H8MI08102&%3Bsupport_oppose_indicator=S&data_type=processed&committee_id=C00684969&is_notice=true&candidate_id=H8MI08102&support_oppose_indicator=S (last accessed June 7, 2022).

⁵ Jewish Democratic Council of America, Independent Expenditures, Federal Election Commission, available at: https://www.fec.gov/data/independent-expenditures/?amp%3Bcommittee_id=C00684969&%3Bis_notice=true&%3Bcandidate_id=H8MI08102&%3Bsupport_oppose_indicator=S&data_type=processed&committee_id=C90018284&is_notice=true&candidate_id=H8MI08102&support_oppose_indicator=S (last accessed June 7, 2022).

⁶ Jewish Democratic Council of America, *Jewish Dems Week of Action is Here!*, available at: <https://jewishdems.org/week-of-action-is-here/> (last accessed June 7, 2022).

⁷ Exhibits 1, 2, & 3. Near the beginning of the meeting, Rep. Slotkin’s staffer introduced himself as Greg Chaffin, Slotkin’s National Security Advisor. He remained present during the duration of the video call.

⁸ Exhibit 1 (Video Clip of Slotkin’s Campaign Discussion & Solicitation), available at: https://video.wixstatic.com/video/65db76_fa68b25b58054056b120ad18b54c6cb4/720p/mp4/file.mp4.

⁹ Exhibit 1 (Video Clip of Slotkin’s Campaign Discussion & Solicitation), available at: https://video.wixstatic.com/video/65db76_fa68b25b58054056b120ad18b54c6cb4/720p/mp4/file.mp4.

Michael Horowitz (JDCA Board Member¹⁰): “You need to let us know—we know how we can help you, of course—never enough campaign contributions, particularly in an election that I think they’re gunning for you. The Rs see you as very vulnerable and so we want to be there for you as you were always there for us. Thank you for taking the time today to share some thoughts with us. We appreciate it.”

Rep. Slotkin: “Well I appreciate that. You do not have to thank me for literally doing my job, but I appreciate it. So I will just say, if you want to help, I do not believe I can win unless we have significant turnout from Michigan State students. Full stop. If there’s anything we can do on voter registration and voter turnout— that is, I think, the only way that I will hang on to this district. So I will leave it at that. So I will leave it at that, but that is, that is my ask—even bigger than all the traditional contributions and visibility and all those great things, which of course I always love. It's mobilization, usually in paid voter registration. Paying students—that’s what the Stacey Abrams model is, right? Paying students to register their fellow students.”

Halie Soifer (CEO of JDCA¹¹): “Well, Alan Shulman is a proud Michigan State graduate who worked with us in the last election and is now JDCA’s newest staff member.”

Rep. Slotkin: “Great”

Halie Soifer (CEO of JDCA): “So we are keeping Michigan State students near and dear to our heart and we’re going to do that work. We’re hiring student fellows this year, so”

Rep. Slotkin: “Great. Alan’s great. And he was always great. And now he has doubled the amount of hair, so he’s going to be double, doubly capable. I’m excited. I’m excited. From all points on campus if you’re trying to find him, so I love it. I love it.”

Halie Soifer (CEO of JDCA): “Thank you so much congresswoman. It’s great to see you, thank you for your leadership, thank you for all you’re doing, and we’re gonna, we’re gonna do everything we can to ensure that you stay right where you are in congress representing our values. We’re proud of you and appreciate your leadership.”

¹⁰ Jewish Democratic Council of American, Board of Directors, available at: <https://jewishdems.org/board-of-directors/> (last accessed June 7, 2022).

¹¹ Jewish Democratic Council of American, JDCA Leadership, available at: <https://jewishdems.org/jdca-staff/>.

Rep. Slotkin: “Thank you all, lovely to see you, lovely to have you on the team, and we’ll talk soon, have a good one.”

Use of Official Resources. The event took place at 1:15 p.m. on a day when the House was in session:¹²

Michigan Week of Action Congressional Meetings

Virtual Meeting - Hosted by Jewish Democratic Council of America



Location
Virtual event
Join from anywhere

About this event
Join the Jewish Dems Michigan Chapter and participate in JDCA's Week of Action!

This is an opportunity to meet with members of Congress in Michigan to discuss key issues of importance to Jewish Americans: combating antisemitism, domestic extremism, and white supremacy; protecting our democracy and voting rights; and supporting reproductive justice.

Please indicate which of the following meetings you can attend, by clicking the corresponding dates on the signup form.

Senator **Gary Peters** on Wednesday, May 11th at 12:10 PM ET/11:10 AM CT [Listed as 12:00 PM ET on sign-up due to site limitations. The meeting will begin at 12:10 PM ET.]

Rep. **Elissa Slotkin** (MI-08) on Wednesday, May 11th, 1:15 PM ET/12:15 PM CT

Rep. **Haley Stevens** (MI-11) on Wednesday, May 11, 2:30 PM ET/1:30 PM CT

Rep. **Dan Kildee** (MI-05) on Wednesday, May 11th, at 3:30 PM ET/2:30 PM CT

Senator **Debbie Stabenow** on Thursday, May 12th at 11:00 AM ET/10:00 AM CT

This event has ended.

Contact organization

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Rep. Slotkin’s congressional staff member introduced himself as appearing in his official capacity as Slotkin’s National Security Advisor, and was present for the duration of the event.¹³

¹² May 11, 2022 Legislative Activity, United States House Of Representatives, available at: <https://www.house.gov/legislative-activity/2022-05-11>.

¹³ Chaffin can be seen seated by Slotkin until the end of the event. Exhibit 1 (Video Clip of Slotkin’s Campaign Discussion & Solicitation), available at: https://video.wixstatic.com/video/65db76_fa68b25b58054056b120ad18b54c6cb4/720p/mp4/file.mp4; Exhibit 2 (Video Clip of Slotkin’s Congressional Staffer), available at: https://video.wixstatic.com/video/65db76_d50ab64789994e29a2be678333c886d6/720p/mp4/file.mp4.

Slotkin appears to be in her House office during the event. The event was shown in the following tweet, with Slotkin and her congressional staffer appearing in the upper left-hand corner:¹⁴



In an unrelated Tweet, Rep. Slotkin posted a photo the same day of the event, which appears to show she was in her House office:¹⁵



¹⁴ The Jewish Democratic Council of America (JDCA), @USJewishDems, Twitter, May 12, 2022, available at: <https://twitter.com/USJewishDems/status/1524825485359730688?s=20&t=DKYhW6WiPvWqnDfxglNhAg>.

¹⁵ Elissa Slotkin, @RepSlotkin, Twitter, May 11, 2022, available at: <https://twitter.com/RepSlotkin/status/1524500124143079425?s=20&t=aikZywkmZVARHFgv4JfI2Q>.

II. Law.

The conduct of Members of the House is governed by a number of different sources, including criminal law, the Code of Official Conduct, and the Code of Ethics for Government Service.¹⁶ In addition to the specific rules identified, an overarching rule requires a Member to “behave at all times in a manner that shall reflect creditably on the House”¹⁷ and to adhere to the spirit as well as the letter of the Rules of the House.¹⁸ Moreover, House Members must uphold the laws of the United States and “never be a party to their evasion.”¹⁹ Violating the campaign finance laws or other statutory acts may also be a violation of the House Ethics rules and standards of conduct.²⁰

Abuse of Official Resources. Both federal law and House ethics rules prohibit official funds and resources from being used for campaign or political purposes. 31 U.S. Code section 1301 provides that official funds are to be used only for the purposes for which appropriated—and not any campaign or political purpose.²¹ The House ethics rules also require strict separation between campaign and official acts: A Member is clearly prohibited from using official resources for campaign or political purposes.²²

Under both federal law and ethics rules, “official resources” includes anything paid for by taxpayer funds, including congressional buildings,²³ congressional staff time, and congressional office equipment and supplies (including computers and telephones).²⁴ No campaign or political activity may be undertaken in congressional buildings or by using official resources, including solicitation of campaign contributions and attending political meetings.²⁵ This is a strict ban on

¹⁶ All sources are incorporated into the House Ethics Manual. House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 2-4 (2008 ed.), available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf.

¹⁷ House Rule 23, clause 1; House Ethics Manual, at 1, 12 (citing House Rule 23, Cl. 1).

¹⁸ House Rule 23, clause 2; House Ethics Manual, at 16 (citing House Rule 23, Cl. 2), 186.

¹⁹ According to the House Ethics Manual, “the Code of Ethics for Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct.” House Ethics Manual, page 22.

²⁰ *Id.*

²¹ 31 U.S.C. § 1301(a) (“Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”). House Ethics Manual, at 125.

²² House Ethics Manual, at 123. Correspondingly, a Member is prohibited from using campaign funds for official expenses. *Id.* at 177-78.

²³ “The House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities.” *Id.* at 127.

²⁴ *Id.* at 123.

²⁵ *Id.* at 124.

these activities and they cannot be done even if the Member uses their own cell phone or computer.²⁶ “The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. Depending on the circumstances, such conduct may result in not only disciplinary action by the House, but also criminal prosecution.”²⁷

This federal law and ethics rule protects taxpayer funds from abuse and enforces “the basic principle that government funds should not be spent to help incumbents gain reelection.”²⁸ Members simply cannot use their official position or taxpayer-funded resources for political gain.²⁹

Solicitation in House Offices, Rooms, or Buildings. Federal criminal law prohibits a Member from soliciting or accepting any type of campaign contribution while located in Congressional buildings. 18 U.S.C. section 607 states:

“It shall be unlawful for an individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, 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.”³⁰

“The prohibition against House Members or employees soliciting campaign or political contributions in or from House offices, rooms, or buildings is very broad.”³¹ All types of solicitations are banned: those made in person, over the telephone, or through the mail, and for

²⁶ *Id.* at 145 (stating a phone solicitation is not permissible because it is made from a cell phone in a hallway).

²⁷ *Id.* at 124.

²⁸ *See e.g., id.* at 123 (citing *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983)).

²⁹ This is embodied throughout and in numerous specific ethics rules. *See, e.g.,* House Ethics Manual, at 1 (Members cannot use their office for private gain), 123-24 (Members cannot use official resources for any campaign for political purpose).

Several ethical considerations are embodied in these ethics rules, including maintaining a fair and impartial government, guarding against the appearance of government endorsement of political candidates, and protecting against the abuse of taxpayer funds for non-official purposes. *See e.g.,* House Ethics Manual, at 123 (citing *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983)) (“The laws and rules referenced in this section reflect ‘the basic principle that government funds should not be spent to help incumbents gain reelection.’”).

³⁰ U.S.C. § 607(a)(1). “A person who violates this section shall be fined not more than \$5,000, imprisoned not more than 3 years, or both.” 18 U.S. Code § 607(a)(2).

³¹ House Ethics Manual, at 145.

any kind of campaign or political contribution, including contributions subject to FECA, and contributions for a state or local campaign, and so-called “soft money” contributions.³²

Furthermore, soliciting a campaign contribution from congressional offices is a separate violation of the House ethics rules discussed above, i.e. Members are required to follow federal law and Members cannot use official resources for campaign purposes.³³

Campaign Contribution Violation. Federal law prohibits candidates from soliciting or accepting contributions from an individual or a non-multicandidate PAC in excess of \$2,900, from a multicandidate PAC in excess of \$5,000, or from any corporation or labor organization in any amount.³⁴ Federal candidates are also prohibited from accepting contributions from any entity that solicits funds outside of these limits, including PACs and super PACs.³⁵

Contributions are broadly defined to include cash donations, but also in-kind contributions of “anything of value . . . for the purpose of influencing any election for Federal office.”³⁶ An expenditure that is coordinated with a candidate, i.e. made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, is an in-kind contribution and must be reported as such.³⁷ A voter registration drive may be an in-kind contribution and result in a prohibited contribution.³⁸ For example, if a voter registration drive is targeted to the general public and identifies any candidates, the voter drive may not be coordinated with any candidate.³⁹

A violation of federal campaign law is also a separate violation of House ethics rules as discussed above.

³² *Id.* “In addition, the rules issued by the House Office Building Commission concerning the use of the House office buildings prohibit the soliciting of contributions in the buildings other than for certain charitable purposes.” *Id.*

³³ “The Code of Ethics for Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct.” *Id.* at 22.

³⁴ 52 U.S.C. §§ 30116, 30118.

³⁵ *Id.*

³⁶ *Id.* § 30101(8)(A); *see also* 11 C.F.R. §§ 100.52(a), 114.1(a)(1). 11 C.F.R. § 100.52(d)(1). “[T] provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.” 11 C.F.R. § 100.52(d)(1).

³⁷ 11 C.F.R. § 109.20

³⁸ *See, e.g.,* FEC, *Conducting Voter Registration and Get-Out-The-Vote Drives*, available at: <https://www.fec.gov/help-candidates-and-committees/making-disbursements-ssf-or-connected-organization/conducting-voter-registration-and-get-out-the-vote-drives-corporation-labor-organization/> (last accessed June 7, 2022).

³⁹ *Id.*

III. Analysis.

Slotkin's Use of Official Resources for Campaign Purposes. It appears Rep. Slotkin used official resources for campaign purposes in violation of federal law and ethics rules. The law directly prohibits using official resources for the campaign activity that took place in this case, i.e. campaign discussions, meetings, and solicitations. There is no question the event was campaign related: the attendees freely spoke of campaign strategy and campaign contributions. Slotkin was asked specifically how those attending could help her campaign in addition to giving campaign contributions, to which she responded by discussing specific voter turnout she needed to win her next election and making campaign solicitations. Then, Slotkin specifically identified an “ask” from her campaign, both cash campaign contributions (“which of course I always love”) and an in-kind contribution of specific paid voter registration of Michigan State University students (“paying students to register their fellow students”). There is simply no scenario where this is related to official House business and not campaign related.

The evidence shows that Slotkin used multiple official resources to attend this event: (1) The photographs of the event and another Slotkin posted that day indicate she attended the JDCA event from her congressional office. (2) If she attended from her congressional office, Slotkin may have used congressional office computers and equipment to attend the meeting. (3) By having her congressional staff member present at the meeting (and introduced by his official title), Slotkin used congressional staff time. The use of these three official resources for the campaign meeting and the solicitations that were made are clearly prohibited.

Slotkin's Campaign Solicitations from a Federal Building. Rep. Slotkin made direct and implied campaign solicitations from what appears to be her congressional office in violation of federal law and ethics rules. The law is clear and straightforward: A Member cannot make any type of campaign solicitation from a congressional building. Yet, as discussed above, it appears Slotkin was in her congressional office when she made campaign solicitations. The context of the conversation shows it was a solicitation—she was questioned about her campaign needs and she answered by identifying campaign contributions and paid voter registration of Michigan State college students and even stated she was making an “ask”. The solicitation for campaign contributions was clear both from the question and Slotkin’s response. Nevertheless, even if the solicitation was implied, it would be impermissible because a Member “may not do indirectly what they would be barred from doing directly.”⁴⁰ Additionally, the solicitation for an in-kind donation was extremely specific and again a direct request of the organization to spend funds to help her campaign, i.e. an in-kind contribution.

⁴⁰ House Ethics Manual, at 17.

Slotkin's Solicitation of Prohibited In-Kind Contributions. Slotkin may have solicited an in-kind contribution from JDCA in violation of federal campaign contribution limits.⁴¹ Slotkin stated she was making an “ask” and then requested the organization pay for voter registration of Michigan State college students. She made her request to an organization that makes independent expenditures in support of her campaign and made a very specific request. Then the organization agreed to her request and even identified its employee that would fulfill her request and the specific students that it would target for voter registration. This is consistent with the JDCA’s website which states it plays a role in “delivering candidates to victory” in part by “mobilizing Jewish voters where it can impact the outcome of close elections.” Any funds spent on this voter registration would be a coordinated expenditure and an in-kind donation. Additionally, a violation of federal law governing campaign contribution limits is also a violation of House ethics rules.

IV. Conclusion.

The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent in the office and complies with the House’s ethical standards. As the House Ethics Manual sets forth, violations of the laws prohibiting use of official resources for campaign purposes and soliciting campaign contributions while located in congressional buildings are very serious offenses. This case is especially egregious because it implicates the foundational ethics principles that Members cannot use government resources for their political gain. Therefore we urge the Board to immediately investigate Rep. Slotkin for using official resources for campaign purposes, soliciting campaign contributions from Congressional buildings, and for violating federal campaign finance laws.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/Kendra Arnold

Kendra Arnold

Executive Director, Foundation for Accountability & Civic Trust

⁴¹ 11 C.F.R. § 109.20(b) (“Any expenditure that is coordinated within the meaning of paragraph (a) of this section, but that is not made for a coordinated communication under 11 CFR 109.21 or a party coordinated communication under 11 CFR 109.37, is either an in-kind contribution to, or a coordinated party expenditure with respect to, the candidate or political party committee with whom or with which it was coordinated and must be reported as an expenditure made by that candidate or political party committee, unless otherwise exempted under 11 CFR part 100, subparts C or E.”)