

From the Campaign to the Capitol

A host of considerations come to light for those making the transition from campaign worker to legislative staffer.

BY NATALIE WOOD

Ethicists love to use the compass as a metaphor for the morals, principles and values we use to guide our decisions. For legislators and staff living in the public eye—a world full of ethical crossroads and detours—a moral compass is integral to their survival.

Nowhere is this need for direction more evident than on the rough and tumble campaign trail, where finding one’s “true north” amid the spin, intrigue, competing loyalties and exhausting schedules can be stressful. For staff who begin or return to careers in the legislature after the campaign, a moral compass can help them adjust from working for a candidate to working for the people.

Not all legislative staff campaign; in fact, for nonpartisan staff, certain types of political activity are prohibited outright. Staff in Colorado’s Office of Legislative Legal Services, for example, are not permitted to fundraise for candidates, make contributions to partisan candidates or political parties, endorse or oppose partisan candidates in any way, be active in a political party or run for partisan office.

Rules in other states are less specific. The Arkansas Bureau of Legislative Research advises employees that it would “be wise to avoid political activities and personal relationships with legislators.” And for staff who work in the Louisiana House, “participation in activities associated with a campaign for legislative office is highly discouraged.”

For many staff, however, campaigning is an allowable form of political self-expression, a protected form of freedom of speech, and a way to support a candidate or cause they believe in.

State legislatures have had their share of trials, tribulations and, unfortunately, indictments and convictions with respect to using public resources for political activity. As with most violations of the public trust, the common response has been to pass rules and laws to clarify what constitutes restricted activities.

Many legislatures have extremely clear guidelines on how staff can spend time campaigning and what type of work is permissible. But, like anything, rules and laws cannot cover every scenario.

What’s an honorable legislative staff member to do? What follows are some tips to consider.



1.

KNOW WHAT’S LEGAL

At least 40 states have laws related to staff and political activity, though not all apply to legislative staff. Chamber rules in at least half the states and various staff policy manuals often pick up where statutes leave off.

First, look for definitions. What does “campaigning” mean? Is it working for a candidate, working for an initiative, fundraising, making a campaign contribution or attending an event? Does it involve federal, state, local or all forms of government? Does it involve running for any office, even a school board? Are the rules different for partisan and nonpartisan staff?

Next, get specific examples of what is prohibited and what is permitted. All states prohibit the use of state time or state resources for political purposes. Common provisions include prohibiting the acceptance of contributions on state property, using state computers or email accounts to conduct campaign business, and taking time off to volunteer for a campaign, although most offices allow staff to use their vacation time to campaign.

2.

TAKE TIME TO MAKE TIME

Many legislative chambers and legislative service offices provide employees with explicit instructions about how staff should account for the time they spend on a campaign trail. This varies from requiring staff to take unpaid leave, which is the case in Florida, to a detailed clocking in and clocking out system for time taken in Wisconsin, where staff must inform the chief clerks in advance of taking their vacation time for political activity, to avoid even the appearance of impropriety.

According to Pat Fuller, the current chief clerk of the Wisconsin Assembly, a scandal a decade ago prompted the Legislature to put “everything in black and white” to protect the institution, the members and the staff.

Tim Mapes, chief of staff to the Illinois House speaker as well as chief clerk to the chamber, has several different legislative duties. In addition, he’s executive director of the state’s Democratic Party. When asked how he balances wearing so many different hats, he stresses the importance of carefully tracking and accounting for your time and paying attention to the work you’re doing, while you’re doing it.



3.

WHEN IN DOUBT, ASK

Ethics counsel, ethics commissions and supervisors can interpret and clarify the law on political activity based on past opinions and experiences, helping guide staff decisions. Don’t hesitate to use them as appropriate. But when doubts remain on whether a certain activity is appropriate, Naomi Miller, district director for the speaker of the House in Texas, recommends taking the safe path. “It’s always better to err on the side of caution,” she says.

4.

KNOW WHO HAS YOUR BACK

In addition to knowing the rules and laws that govern political activity, supervisors and legislative counsel can act as pressure valves and sounding boards when formal guidance is lacking. Staff sometimes have to deal with overt or insidious pressure from other staffers or bosses to engage in some type of political activity. This can be awkward and uncomfortable.

In Wisconsin, staff know they can turn to the office of the chief clerk to handle these situations. Fuller spends time educating members and engaging them in frank conversations when needed.

In Illinois, Mapes credits his ability to walk the line between public service and political activity to “a great team of staff.”

If staff are able to hand off important legislative duties to capable and trusted colleagues, it makes it easier to take time off to work on a campaign.

5.

LEARN YOUR LESSONS WELL

Campaigning can provide lessons for governing, and vice versa. In his book, “Passages to the Presidency, From Campaigning to Governing,” author Charles Jones interviews many White House staff who also worked on presidential campaigns. According to Jones: “Campaigns involve selling ideas, dealing with the press, organizing and managing staff, and interacting with established party organizations.” These activities are great training for “coping with issues and dealing with people” when it comes time to govern, he says.

When a legislative staff member works on a campaign, especially if she is managing it, she can have quite a bit of influence over the candidate, from the schedule to communication strategies to policy positions. If she’s effective, and her candidate wins the election, he joins her in working at the capitol.

After the election, however, the hierarchy changes quickly and dramatically. The candidate-turned-elected official is now the boss or at least one of many within the chamber or caucus. The tone and tenor of the relationship changes as well, as the staffer must listen, compromise and work with all types of elected legislators. It can be a challenging adjustment for the staff member, who’s gone from orchestra director to second violinist.

6.

SERVE YOUR OPPONENTS

The day after election day, regardless of whether you are new to legislative service, there are some new realities to take into account. In serving the public, you also will be serving your opponent.

“Remember that if and when your legislator is elected into office,” says Miller, “all those folks [in the district] will be your constituents and deserve your respect and support, whether or not they voted for your legislator.” Like lawmakers, legislative staffers, particularly those who work for a caucus or an individual member, will have colleagues who were recent adversaries.

Learn how to put the campaign behind you and work with everyone. It will make life at the capitol more pleasant, and perhaps even more productive.

You’ll also need to maintain—and, perhaps recalibrate—your relationships with the press and constituents, as well, moving from making promises about governing to actually doing the business of governing.

9.

GET TRAINED

Spend time thinking about the gray areas. There are many scenarios and areas of conflict that staff could consider and debate before they become realities or problems. For instance: What happens when work done for the public overlaps with work done for political gain? What if helping a constituent with a request is construed as attempting to influence that constituent to vote for your boss? If you receive a constituent call from someone who has contributed to your boss' campaign, does that affect, even subtly, how you help them? If your boss made campaign promises she's unlikely to be able to keep, is it incumbent upon you to discuss it with her? What behavior from your boss would make you re-think your commitment to working for the legislature?

Contemplating your responses to tough dilemmas before they occur can help set your compass in the direction you wish to go when problems arise.

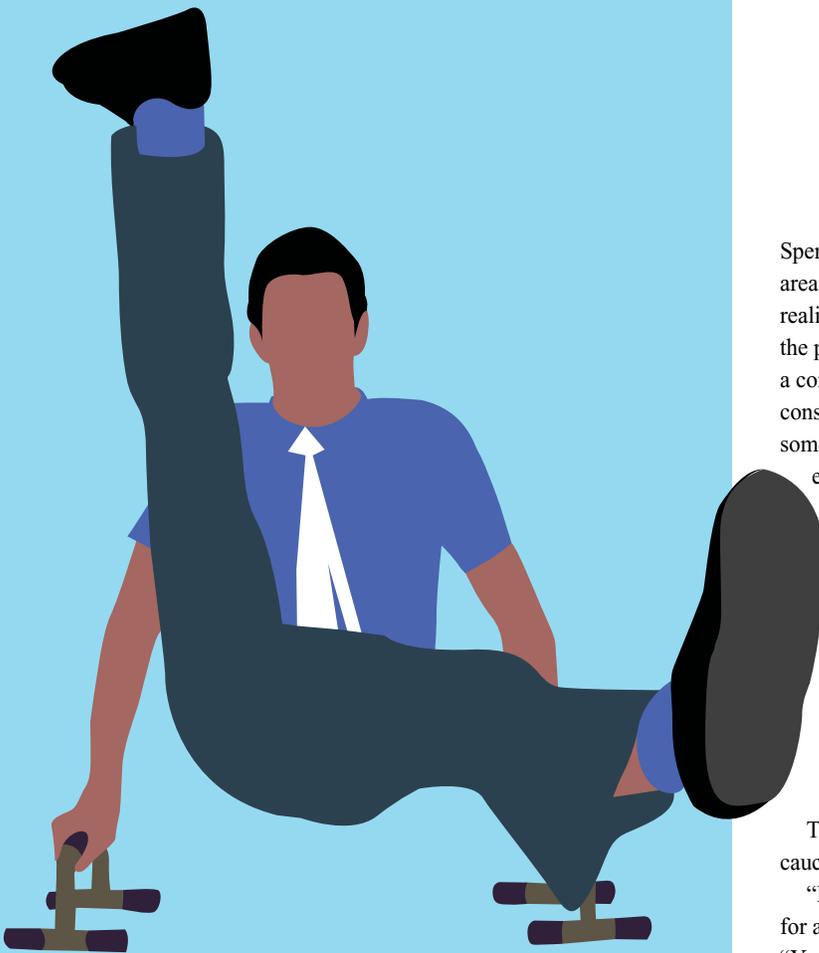
10.

PONDER SOME BIG QUESTIONS

To whom are you loyal? Do you feel that you work for a member, the caucus, the leader or the body?

"However competent on the campaign trail, [some staff are] selected for a purpose that is weakly related to governing, if at all," says Jones. "Yet they are loyal, having pledged themselves to this person, folding their future into his."

The nature of a campaign is frenetic, full of high highs and low lows. It is not the ideal setting for reflection and introspection. But for those campaign staff who find the time and energy to contemplate the deeper questions of ethics, loyalty, commitment and service, the effort will be worthwhile. If they end up working in a legislature, they will be better prepared to navigate the road when it gets a little rough.



7.

HONOR THE INSTITUTION

If you are a campaign staffer who is new to life at the legislature, seek opportunities to learn about and appreciate the institution. The legislature has a permanence, a presence and an enduring quality, which is much different than a fleeting campaign. Members and staff can come and go with the political tide and, in some states, looming term limits, but the institution endures.

Legislative staff do not shelve their commitment to public service, love of the institution and duty to uphold the public's trust at the door of campaign headquarters. Even if you are using unpaid leave or vacation time to participate in a political activity, your actions reflect upon the legislature.

8.

BE CIVIL

Miller feels that staff should take care to always maintain a strong sense of civility with all voters and their legislator's opponent. Whether you reside on the same side of the aisle or across it, the legislative process requires compromise, collaboration and a different type of communication.

It is vital that staff be able to put political differences and antics on the campaign trail aside in order to do the people's work. Although legislators and leaders are most often recognized as setting the tone, staff also can lead by example.

