

Guidance to Candidates for Union Office on Use of List Serves and E-Mail Addresses

Several candidates for union office have recently asked the National Election Committee and the General Counsel for guidance on the use of list serves and e-mail addresses with regard to the distribution of campaign announcements, literature, and messages.

As most members know, the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) requires the union to balance that statute's prohibition on the use of union assets to promote a candidate's candidacy with the statute's imposition of a duty on the union to comply with all reasonable requests for the distribution of campaign literature in an equal and nondiscriminatory manner.

The National Election Committee and General Counsel, therefore, offer the following guidance, effective immediately, to candidates for union office on the use of list serves and e-mail addresses pursuant to the dictates of the LMRDA:

1. Candidates may not use union-generated list serves for the distribution of campaign notices and literature. These list serves were created for the primary purpose of facilitating the union's business and, as such, are union assets. Moreover, not all candidates have access to the union-generated list serves and use of the list serves would therefore be neither equal nor nondiscriminatory. Candidates may, however, use any personal list serves they may have generated.

2. Candidates may not send campaign notices and literature from a union e-mail address. Candidates, therefore, are prohibited from sending campaign notices and literature from any natca.net or natca.org e-mail address. Campaign notices and literature, however, may be received at these union e-mail addresses. A candidate, therefore, who has created a personal list serve that contains natca.net and/or natca.org addresses may send campaign notices and literature to those addresses from a non-union, or personal, e-mail address.

A query has also been posed to the National Election Committee and the General Counsel as to whether candidates may purchase a disk or list of members' e-mail addresses for the distribution of campaign notices and literature in the same way that a candidate may purchase a disk or labels with members' home addresses from the union. The National Election Committee and General Counsel are currently investigating to see whether it is logistically and technologically possible to isolate those e-mail addresses that are in the union member database for such a purpose and will report back in the near future with an answer to this query.

Finally, several candidates have queried the National Election Committee and General Counsel as to the use of the union BBS for the posting of campaign notices and literature. While the National Election Committee and General Counsel intend to shortly release more extensive guidance on this issue, we note as a preliminary matter that candidates may post factual notices of their candidacy with links to their external web sites on the

BBS. In addition, members may continue to use the BBS, which is available to and accessible by all members, for a discussion of the campaign in the same manner that such dialogue would occur between persons standing in the same room.

Candidates or members with additional questions are encouraged to contact the National Election Committee or General Counsel directly.