

**NEW YORK STATE  
BOARD OF ELECTIONS  
1978 OPINION #16**

**QUESTION PRESENTED:**

Will the following activities, taken alone or in combination with each other, bring a labor union within the definition of a political committee which would be subject to the filing and reporting requirements of Article 14 of the Election Law:

1. A suggestion at a union membership meeting that the union members vote for or against a particular candidate;
2. An endorsement of a particular candidate at a union meeting;
3. An endorsement of a given candidate to the public, either through a press conference or other use of the media;
4. Organizing and/or participating in a non-partisan registration and/or get-out-the-vote drive, whether directed to members and their families or to the general public;
5. Partisan communications (i.e., telephone calls, letters, mailings, etc.) requesting that the recipient vote for or against a particular candidate or proposition, whether directed to the union's members and their families or to the general public;
6. Suggesting to a union's members and their families that they volunteer their services to assist a candidate, i.e., to man a candidate's phones, distribute a candidate's literature, etc.;
7. Purchasing a ticket to a fund raising dinner held on behalf of a given candidate;
8. A direct contribution to a candidate's campaign; and
9. Payment for an advertisement, either in a union publication or in a general publication, in which the union supports a given candidate.

**DISCUSSION:**

The Board in 1974 Opinion #2 and 1975 Opinion #10 stated:

"It is our opinion that a union that makes a contribution to a candidate or a 'political committee does not, by the fact of that contribution alone, become a political committee.' If, however, a union solicits or accepts funds (other than regular dues no portion of which are specifically collected for political purposes) from its members and uses such funds for political purposes or if a union expends funds on behalf of any candidate or 'political committee,' it would be deemed to be a 'political committee.'"

It is the opinion of the Board that the activities set forth in numbers 1, 2, 4, 6, 7 and 8 above are not activities which would bring a union within the definition of a political committee. (See 1974 Opinion #4 and 1975 Opinion #13.)

The activities set forth in number 3, are permissible as long as the union does not solicit or expend funds in giving its endorsement.

With respect to the activities set forth in number 5, the Board is of the opinion that if such activities cause an expenditure of funds they would bring a union within the definition of a political committee unless the activities are reported by the candidate or political committee as an "in-kind" contribution from the union.

With respect to the question presented in number 9, if a union places an endorsement in a publication of its own union which it distributes to its membership on a regular basis, it would not be considered to be a contribution. However, if a union (1) pays for an advertisement, either in another union publication or in a general publication; (2) circulates a special edition of its own publication to endorse a candidate or (3) pays for separate literature which is enclosed with its regularly distributed union publication, it will be considered to be a contribution if the candidate or the candidate's committee reports the payment as a "contribution in-kind" from the union. If a candidate or candidate's committee does not report union expenditures as "contributions in-kind", the union will be deemed to be a political committee which has expended funds on behalf of or against a candidate and it will have to comply with the filing requirements of Article 14 of the Election Law.

**STATE BOARD OF ELECTIONS**