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FOR IMMEDIATE RELEASE

LPEA Clarifies Member Data Privacy During Board Election Season

DURANGO, Colo. (April 23, 2025) – La Plata Electric Association (LPEA) is committed to protecting member privacy and ensuring transparency during its annual board of directors election. In response to recent questions regarding how candidates are able to contact members—particularly via email and text—LPEA is issuing the following clarification.

Recent Concerns

LPEA has recently been made aware of a campaign-related text message sent on behalf of a candidate. LPEA did not provide any phone numbers to any candidates. Members with concerns about unsolicited campaign texts should contact the candidate directly.

What Information Is Shared with Candidates?

Under Colorado state law (Colo. Rev. Stat. § 40-9.5-110(1)(b)), each verified candidate is legally entitled to receive a membership list that includes the names and addresses of all members, as recorded in LPEA's system. Colo. Rev. Stat. § 7-90-102 (1), which applies to nonprofit corporations and cooperative associations, defines an "address" as "a mailing address, a street address, or an address for delivery of an electronic transmission."

Therefore, member email addresses may also be provided when available.

Phone numbers are **not** included in the list provided to candidates.

Safeguards to Protect Member Privacy

LPEA has implemented strict protocols to ensure that any shared information is used responsibly, in accordance with Colorado law, solely for election-related communication and must be returned to the cooperative or destroyed immediately after the election.

- Candidates must qualify by submitting a valid petition as approved by the Election Supervisory Committee.
- Each candidate is required to sign both a Non-Disclosure Agreement (NDA) and an Affidavit of Purpose, limiting the use of the member list to the distribution of campaign or position statements as required by Colo. Rev. Stat. § 40-9.5-110 (1)(b) ("Candidates

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shall use such lists only for purposes of the election and shall return or destroy them immediately after the election.”).

- Per Policy 108 (II)(C)(1)(b)(4), candidates are strictly prohibited from using the member information obtained from LPEA in computerized auto dialer systems, defined by the Federal Communications Commission (FCC) as an “automated telephone dialing system” (ATDS) and including robocalls or automated text messages (often referred to as "robotexts").

Commitment to Transparency and Privacy

LPEA values both the integrity of its election process and the privacy of its member-owners. This communication process is designed to foster fairness and openness while ensuring that contact information is protected and used appropriately.

For additional questions or concerns regarding campaign communications or member privacy, please contact LPEA at boardcandidate@lpea.coop.

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