AN ACT TO REQUIRE LABOR ORGANIZATIONS TO MAKE EXPENDITURES FOR POLITICAL ACTIVITIES ONLY FROM A SEGREGATED FUND ESTABLISHED FOR SUCH PURPOSES; TO REQUIRE THAT ONLY VOLUNTARY CONTRIBUTIONS MAY BE SOLICITED TO FUND ANY SUCH FUND; TO PROHIBIT THE USE OF UNION DUES FOR POLITICAL ACTIVITIES AND TO PROHIBIT THE INTERMINGLING OF UNION DUES WITH MONEY IN A FUND ESTABLISHED UNDER THIS ACT; TO MAKE IT UNLAWFUL FOR A LABOR ORGANIZATION TO MAKE EXPENDITURES FOR POLITICAL ACTIVITIES BY USING CONTRIBUTIONS SECURED BY PHYSICAL FORCE OR CERTAIN THREATS OR FROM USING UNION DUES FOR POLITICAL ACTIVITIES; TO MAKE IT UNLAWFUL FOR A LABOR ORGANIZATION IN SOLICITING CONTRIBUTIONS FOR THE FUND TO FAIL TO INFORM EMPLOYEES IN WRITING OF THE FUND'S POLITICAL PURPOSES AND OF THE EMPLOYEE'S RIGHT TO REFUSE TO CONTRIBUTE WITHOUT PENALTY; TO PROHIBIT LABOR ORGANIZATIONS FROM SOLICITING CONTRIBUTIONS FOR THE FUND FROM ANY PERSON OTHER THAN ITS MEMBERS AND THEIR FAMILIES AND TO PROHIBIT ANY FORM OF COMPENSATION TO A MEMBER FOR MAKING CONTRIBUTIONS TO THE FUND; TO AUTHORIZE EMPLOYEES TO DIRECT THEIR EMPLOYER TO DEDUCT AN AMOUNT OF NOT MORE THAN 3% OF THEIR GROSS WAGES AND PAY THE AMOUNT TO A LABOR ORGANIZATION AS AN ASSIGNEE; TO REQUIRE A SIGNED STATEMENT FROM THE EMPLOYEE MAKING THE DEDUCTION; TO PROHIBIT PUBLIC EMPLOYEES FROM DIRECTING THAT DEDUCTIONS FROM THEIR WAGES BE PAID TO A REGISTERED POLITICAL COMMITTEE OR A FUND ESTABLISHED UNDER THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 5 of this act shall be known and may be cited as the "Voluntary Contributions Act."

SECTION 2. As used in Sections 1 through 5 of this act:

(a) "Ballot proposition" includes initiatives, proposed constitutional amendments and any other items submitted to the voters for their approval or rejection.

(b) "Filing entity" means any entity required to report contributions or expenditures under Title 23, Chapter 15, Article 23.

(c) "Fund" means the separate segregated fund established by a labor organization for political purposes according to the procedures and requirements of this act.
(d) "Labor organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment or conditions of employment and includes, but is not limited to, each employee association and union for employees of public and private sector employers. The term "labor organization" does not include organizations governed by the National Labor Relations Act, 29 USCS 151 et seq. or the Railroad Labor Act, 45 USCS 151 et seq.

(e) "Political activities" means electoral activities, independent expenditures or expenditures made to any candidate, political party, political committee, affiliated organization, ballot proposition or any other political or legislative cause.

(f) "Union dues" means dues, fees or other money required as a condition of membership in a labor organization or as a condition of employment.

SECTION 3. (1) Except as provided in subsection (2) of this section, a labor organization may not expend union dues for political activities.

(2) A labor organization may only make expenditures for political activities if the labor organization establishes a separate segregated fund that meets the requirements of this act and the labor organization ensures that:

(a) In soliciting contributions for the fund, the solicitor discloses, in clear and unambiguous language on the face of the solicitation, that contributions are voluntary and that the fund is a political fund and will be expended for political activities;

(b) Union dues are not used for political activities, transferred to the fund or intermingled in any way with money in the fund;
(c) The cost of administering the fund is paid for fund contributions and not from union dues; and

(e) Each contribution is voluntary.

(3) At the time the labor organization is soliciting contribution for the fund from an employee, the labor organization shall:

(a) Affirmatively inform the employee, in writing, of the fund's political purpose; and

(b) Affirmatively inform the employee, in writing, of the employee's right to refuse to contribute without fear or reprisal or loss of membership in the labor organization.

(4) The labor organization has the burden of proof to establish that the requirements of subsections (2) and (3) of this section are met.

(5) Notwithstanding the requirements of subsection (2)(b) of this section, a labor organization may use union dues to communicated directly with its own members about political candidates, ballot proposition and other political issues.

SECTION 4. (1) (a) It is unlawful for a labor organization to make expenditures for political activities by using contributions:

(i) Secured by physical force or threat of force, job discrimination or threat of job discrimination, membership discrimination or threat or membership discrimination or economic reprisals or threat of economic reprisals; or

(ii) From union dues except as provided in Section 3(5) of this act.

(b) When a labor organization is soliciting contribution for a fund from an employee, it is unlawful for a labor organization to fail to:

(i) Affirmatively inform the employee in writing of the fund's political purpose; and
(ii) Affirmatively inform the employee in writing of the employee's right to refuse to contribute without fear of reprisal or loss of membership in the labor organization.

(c) It is unlawful for a labor organization to solicit contributions for the fund form any person other than its members and their families.

(d) It is unlawful for a labor organization to pay a member for contribution to the fund by providing a bonus, expense account, rebate of union dues or by any other form of direct or indirect compensation.

(2) Any person or entity violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 99-19-31.

SECTION 5. Each fund established under Sections 1 through 5 of this act shall register as a political committee as required by Section 23-15-803 and shall file all reports required of a political committee under Article 23 of Title 23, Chapter 15.

SECTION 6. (1) As used in this section:

(a) "Employee" means a person employed by any person, partnership, public, private or municipal corporation, school district, the state or any political subdivision thereof.

(b) "Employer" means the person or entity employing an employee.

(c) "Labor organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment or conditions of employment and includes, but is not limited to, each employee association and union for employees of public and private sector employers. The term "labor organization" does not include organizations governed by the
National Labor Relations Act, 29 USCS 151 et seq. or the Railroad Labor Act, 45 USCS 151 et seq.

(d) "Public employee" means a person employed by a municipal corporation, a school district, a county or the state or any political subdivision thereof.

(e) "Union dues" means dues, fees or other money required as a condition of membership in a labor organization or as a condition of employment.

(2) Except as prohibited by subsection (6) of this section, an employee may elect to direct his employer to deduct a specified sum of not more than three percent (3%) of his gross wages per month and pay the amount deducted to a labor organization as assignee.

(3) If the employee elects to direct the employer to make the deduction authorized by subsection (2) of this section, the employee shall sign a statement that:

(a) Directs the employer to make the deduction;

(b) Identifies the amount of the deduction;

(c) Identifies the person or entity to whom the deduction is to be paid; and

(d) Directs the employer to pay the deduction to that person or entity.

(4) An employer who receive a signed statement shall:

(a) Keep the statement on file;

(b) Deduct the specified sum from the employee's salary; and

(c) Pay the deducted amount to the labor organization designated by the employee.

(5) The employer shall continue to make and pay the deduction as directed by the employee until the employee revokes or modifies the deduction in writing.

(6) A public employee may not direct an employer to deduct money from his wages and pay them to:
(a) A registered political committee;
(b) A fund as defined by Section 2 of this act; or
(c) Any intermediary that contributes to a fund as defined in Section 2 of this act.

(7) Nothing in this section prohibits an individual from making personal contributions to a registered political committee or to a fund as defined in Section 2 of this act.

SECTION 7. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 8. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.