

By: Senator(s) White

To: Labor; Elections

SENATE BILL NO. 2766

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

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

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

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

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

32 (b) "Filing entity" means any entity required to report  
33 contributions or expenditures under Title 23, Chapter 15, Article  
34 23.

35 (c) "Fund" means the separate segregated fund  
36 established by a labor organization for political purposes  
37 according to the procedures and requirements of this act.

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

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

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

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

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

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

68           (b) Union dues are not used for political activities,  
69 transferred to the fund or intermingled in any way with money in  
70 the fund;

71 (c) The cost of administering the fund is paid for fund  
72 contributions and not from union dues; and

73 (e) Each contribution is voluntary.

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

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

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

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

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

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

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

96 (ii) From union dues except as provided in Section  
97 3(5) of this act.

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

101 (i) Affirmatively inform the employee in writing  
102 of the fund's political purpose; and

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

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

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

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

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

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

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

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

126                   (c) "Labor organization" means any association or  
127 organization of employees, and any agency, employee representation  
128 committee, or plan in which employees participate that exists, in  
129 whole or in part, to advocate on behalf of employees about  
130 grievances, labor disputes, wages, rates of pay, hours of  
131 employment or conditions of employment and includes, but is not  
132 limited to, each employee association and union for employees of  
133 public and private sector employers. The term "labor  
134 organization" does not include organizations governed by the

135 National Labor Relations Act, 29 USCS 151 et seq. or the Railroad  
136 Labor Act, 45 USCS 151 et seq.

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

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

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

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

151 (a) Directs the employer to make the deduction;

152 (b) Identifies the amount of the deduction;

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

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

157 (4) An employer who receives a signed statement shall:

158 (a) Keep the statement on file;

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

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

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

166 (6) A public employee may not direct an employer to deduct  
167 money from his wages and pay them to:

168           (a) A registered political committee;  
169           (b) A fund as defined by Section 2 of this act; or  
170           (c) Any intermediary that contributes to a fund as  
171 defined in Section 2 of this act.

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

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

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