

**Adopted  
AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1244**

**BY: Senator(s) Robertson, Doxey, Brown**

1       **AMEND by inserting the following after line 755 and**  
2 **renumbering subsequent sections accordingly:**

3       **SECTION \*** Sections \_ through \_ of this act shall be known  
4 and may be cited as the "Voluntary Contributions Act."

5       **SECTION \*** As used in Sections \_ through \_ of this act:

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

9           (b) "Filing entity" means any entity required to report  
10 contributions or expenditures under Title 23, Chapter 15, Article  
11 23.

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

15           (d) "Labor organization" means any association or  
16 organization of employees, and any agency, employee representation  
17 committee, or plan in which employees participate that exists, in  
18 whole or in part, to advocate on behalf of employees about  
19 grievances, labor disputes, wages, rates of pay, hours of  
20 employment or conditions of employment and includes, but is not  
21 limited to, each employee association and union for employees of  
22 public and private sector employers. The term "labor  
23 organization" does not include organizations governed by the

24 National Labor Relations Act, 29 USCS 151 et seq. or the Railroad  
25 Labor Act, 45 USCS 151 et seq.

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

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

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

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

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

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

48 (c) The cost of administering the fund is paid from  
49 fund contributions and not from union dues; and

50 (d) Each contribution is voluntary.

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

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

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

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

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

66           SECTION \*. (1) (a) It is unlawful for a labor organization  
67 to make expenditures for political activities by using  
68 contributions:

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

73                   (ii) From union dues except as provided in Section  
74 3(5) of this act.

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

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

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

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

86           (d) It is unlawful for a labor organization to pay a  
87 member for contribution to the fund by providing a bonus, expense

88 account, rebate of union dues or by any other form of direct or  
89 indirect compensation.

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

93 **SECTION \*.** Each fund established under Sections \_ through \_  
94 of this act shall register as a political committee as required by  
95 Section 23-15-803 and shall file all reports required of a  
96 political committee under Article 23 of Title 23, Chapter 15.

97 **AMEND line 45 by inserting the following after the semicolon:**

98 TO REQUIRE LABOR ORGANIZATIONS TO MAKE EXPENDITURES FOR POLITICAL  
99 ACTIVITIES ONLY FROM A SEGREGATED FUND ESTABLISHED FOR SUCH  
100 PURPOSES; TO REQUIRE THAT ONLY VOLUNTARY CONTRIBUTIONS MAY BE  
101 SOLICITED TO FUND ANY SUCH FUND; TO PROHIBIT THE USE OF UNION DUES  
102 FOR POLITICAL ACTIVITIES AND TO PROHIBIT THE INTERMINGLING OF  
103 UNION DUES WITH MONEY IN A FUND ESTABLISHED UNDER THIS ACT; TO  
104 MAKE IT UNLAWFUL FOR A LABOR ORGANIZATION TO MAKE EXPENDITURES FOR  
105 POLITICAL ACTIVITIES BY USING CONTRIBUTIONS SECURED BY PHYSICAL  
106 FORCE OR CERTAIN THREATS OR FROM USING UNION DUES FOR POLITICAL  
107 ACTIVITIES; TO MAKE IT UNLAWFUL FOR A LABOR ORGANIZATION IN  
108 SOLICITING CONTRIBUTIONS FOR THE FUND TO FAIL TO INFORM EMPLOYEES  
109 IN WRITING OF THE FUND'S POLITICAL PURPOSES AND OF THE EMPLOYEE'S  
110 RIGHT TO REFUSE TO CONTRIBUTE WITHOUT PENALTY; TO PROHIBIT LABOR  
111 ORGANIZATIONS FROM SOLICITING CONTRIBUTIONS FOR THE FUND FROM ANY  
112 PERSON OTHER THAN ITS MEMBERS AND THEIR FAMILIES AND TO PROHIBIT  
113 ANY FORM OF COMPENSATION TO A MEMBER FOR MAKING CONTRIBUTIONS TO  
114 THE FUND;