

By: Senator(s) White

To: Labor

SENATE BILL NO. 2157

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 (d) Each contribution is voluntary.

74 (3) At the time the labor organization is soliciting
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 communicated 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 or 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
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 receive 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.